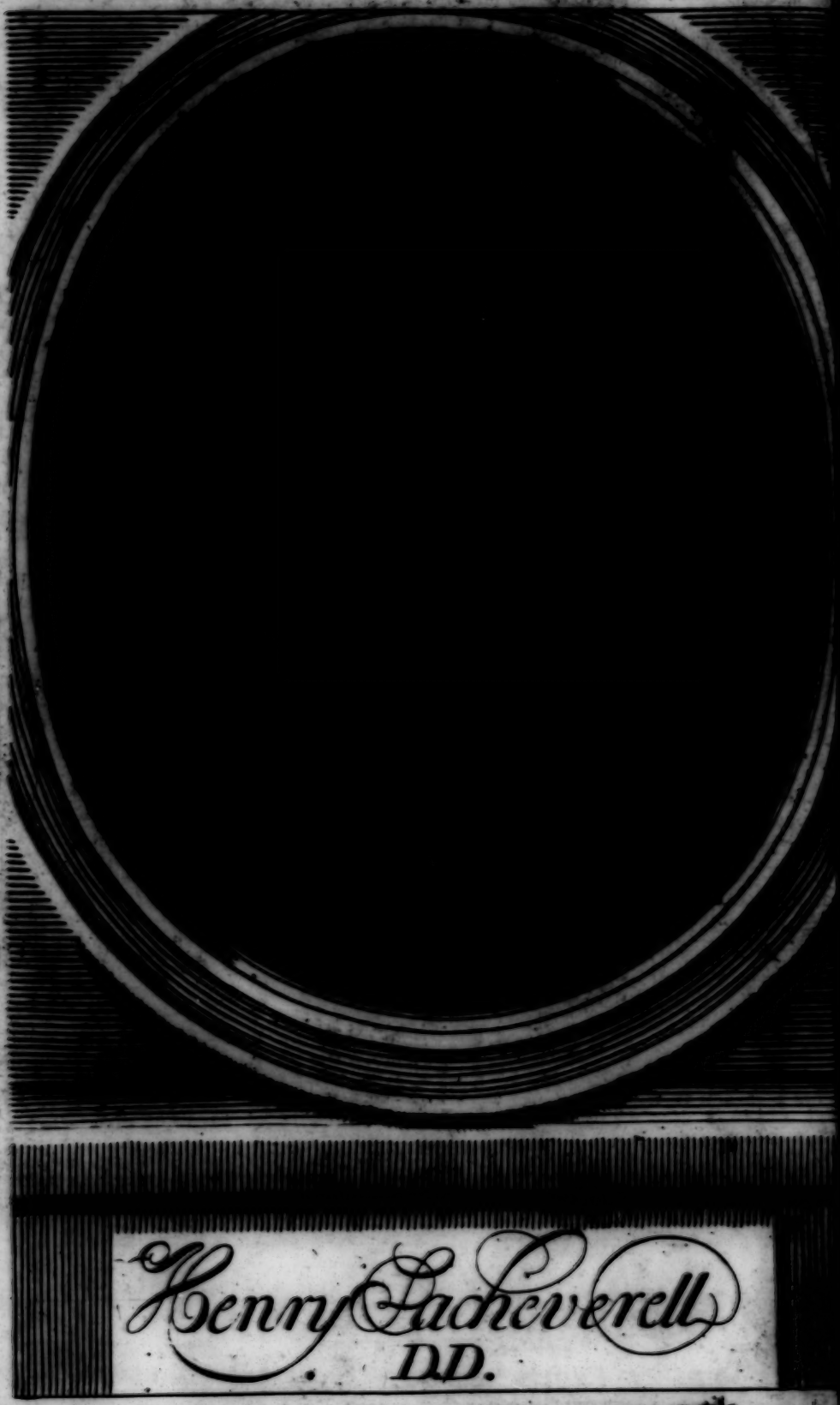
Henry Sacheverell
D.D.

A COMPLEAT

HISTORY

Of the Whole

PROCEEDINGS

OF THE

PARLIAMENT

OF

Great Britain

AGAINST

Dr. HENRY SACHEVERELL

WITH HIS

TRYAL

BEFORE THE

House of PEERS,

FOR

High Crimes and Misdemeanors; the Reasons of those Lords that enter'd their Protests; and the Speeches of several Lords before Judgment was Given.

LONDON:

Printed and Sold by *J. Baker*, at the Black Boy in *Pater-Noster-Row* 1710.

Soch. 157/2

A COMPLEAT HISTORY Of the Whole PROCEEDINGS OF THE House of Commons AGAINST Dr. HENRY SACHEVERELL.

THE moſt remarkable Tranſaction in the laſt Seſſion of the *Britiſh* Parliament, was the Buſineſs relating to Doctor *Henry Sacheverell*; whoſe Sermon preach'd at St. *Pauls* on the 5th of *November* 1709, before the Lord-Mayor, and Court of Aldermen of the City of *London*; as alſo another Sermon preach'd by the ſaid Doctor, at the Aſſizes held at *Derby*, on the 15th of *Auguſt*, in the ſame Year, having given no ſmall Offence to Abundance of People, a Complaint was, on the 13th of *December*, made in the Houſe of Commons of two printed Books; the one entituled, *The Communication of Sin*; *A Sermon, preach'd at the Aſſizes held at* Derby, Auguſt 15, 1709; *By Doctor* Henry Sacheverell: And the other entituled, *The Perils of Falſe Brethren both in Church and State*; *Set forth in a Sermon preach'd before the Right Honourable the Lord-Mayor, Aldermen, and Citizens of* London, *at the Cathedral Church of* St. Paul's, *on the 5th of* November, 1709; preach'd alſo by the ſaid Dr. *Henry Sacheverell*; and both printed for *Henry Clements:* Which Books were deliver'd in at the Table; where ſeveral Paragraphs in

the Epistle * Dedicatory preceding the first-mention'd Book; and also several Paragraphs in the latter Book, were read: After which it was

Resolved,

That a Book, entituled, *The Communication of Sin; being a Sermon preached at the Assizes held at* Derby, August 15, 1709: And a Book, entituled, *The Perils of False Brethren both in Church and State; Set forth in a Sermon preach'd before the Right Honourable the Lord-Mayor, Aldermen and Citizens of* London, *at the Cathedral Church of* St. Paul, *on the 5th of* November, 1709; are Malicious, Scandalous, and Seditious Libels; highly Reflecting upon Her Majesty and Government, the late happy Revolution, and the Protestant Succession as by Law establish'd, and both Houses of Parliament; tending to alienate the Affections of Her Majesty's good Subjects, and to create Jealousies and Divisions among them. And

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* To the Right Worshipful *George Sacheverell*, Esq; High-Sheriff of the County of *Derby*, and to the Honourable Gentlemen of the *Grand-Jury*. Gentlemen, The *Peculiar Honour* you were pleas'd to confer upon me after the Delivery of this *plain Discourse*, was so *signal*, that Nothing less than this *publick Acknowledgment* can acquit me of *Ingratitude*. Now, when the *Principles*, and *Interests* of our *Church*, and *Constitution*, are so shamefully *Betray'd*, and *Run down*, it can be no little Comfort to all those who *wish* their *Welfare* and *Security*, to see, that notwithstanding the *secret Malice*, and *Open Violence* they are Persecuted with, there are still to be found such *worthy Patrons* of both, who dare *own* and *defend* them as well against the *rude* and *presumptuous Insults* of the *One Side*, as the *base*, *undermining Treachery* of the *Other*, and who *scorn* to *sit silently by*, and *Partake in the Sins* of these *Associated Malignants*. Tho' the *Truth* seems to be so much *Forsaken* at present, yet *God be thank'd*, they shall yet find to our Honour, that We have still amongst Us those who have *Courage* to *speak* it, as well as those who have *Lives* and *Fortunes* to maintain it: And tho' the Age is *sunk* into the *Lowest* Dregs of Corruption, that *it cannot endure sound Doctrine*, there are not wanting *some* to *preach it*, and *others* to *support* it, at the *Expence of Both*. May the *Influence* of your *good Examples*, which as much *Animates* our *Friends*, as it *Terrifies* our *Enemies* be as diffusively *Prevailing*, as 'tis nobly *Conspicuous*; and the *Blessing* of that *Church* attend you, which you so eminently *Adorn*, and *Sustain*! And, as I am oblig'd by the Relation I have the *Honour* to bear to your *Family*, may a *double Portion* of *Divine Favour* rest on you (Mr. *High-sheriff*) whose Commands I was ready to Execute in this *Office*, since you thought neither the *Advancement* of your *Years*, so generously expended for the Good of your *Country*, nor the great *Troubles* attending this *Post*, sufficient to exempt you, from shewing that steady *Loyalty* and *Zeal* to serve *Her Majesty* and the *Government*, for which you have because remarkably *distinguish'd*. I am, with all Regard, Gentlemen, Your very Humble Servant,

Henry Sacheverell.

Ordered,

Ordered,

That Dr. *Henry Sacheverell*, and *Henry Clements*, do attend at the Bar of the House to-morrow.

John Dolben, Esq; made the first Motion against the Two Sermons, and was seconded by *Spencer Cowper*, Esq; But they were oppos'd by several Gentlemen, who said, they did not perceive there was any Thing in the Sermons, Malicious, Scandalous, or Seditious; nor Reflecting on Her Majesty and Government, the late happy Revolution, and the Protestant Succession. What concern'd both Houses of Parliament was suppos'd to be the Vote passed four and five Years before, about the Church being in Danger: And as to that, it was affirm'd the Church was then in Danger, was still in Danger, and it was to be fear'd would always be in Danger; not from Her Majesty's Administration, but from Papists on the one Hand, and Fanaticks on the other; from these Her profess'd Enemies, and from *False Brethren*. It was own'd, there were some warm Expressions in the Sermon preach'd at St. *Pauls*: And no Wonder that a true Son of the Church of *England* should express himself with some Warmth and Vehemence, against the Liberties that were taken, and with Impunity, to revile the *Church*, her Doctrines and Ministers, to blaspheme the Name of God, and to insult, and treat with *Contempt*, every Thing that is sacred.

On the 14*th* of *December*, the House being inform'd, that Dr. *Henry Sacheverell* and *Henry Clements* attended, according to Order; Dr. *Sacheverell* was call'd in, and, at the Bar, was examin'd touching the two Sermons complain'd of to the House: Where he own'd the Preaching, the Directing of the Printing, and Publishing the Sermon preach'd the 5*th* of *November*, 1709, at the *Cathedral Church* of St. *Paul*, and the Dedication of it; And also, that the Epistle Dedicatory to the Sermon preach'd at the Assizes at *Derby*, the 15*th* of *August*, 1709, was agreeable to that which he put to the Impression of that Sermon, which he directed to be printed and published. And being withdrawn, and a Question being proposed, That the said Dr. *Henry Sacheverell* be Impeach'd of High *Crimes* and *Misdemeanors*, he was call'd in again, and ask'd, If he had any Thing to offer to the House? When he spoke to this Effect: *Mr. Speaker, I am very sorry, I am fallen under the Displeasure of this House; I did not imagine, any Expressions in my Sermons were liable to such a Censure as you have past'd upon them. If you had been pleas'd to have favour'd me so far, as to have hear'd me before you pass'd it, I hope I should have explain'd my self so, as to have prevented it.* And after being heard he was directed to withdraw. Then the Question was insisted on, for Impeaching the Doctor of High Crimes and Misdemeanors. And several Gentlemen spoke against it, desiring

he might rather be profecuted by the Attorney-General; and if the Sermons were ſeditious, if they did reflect on Her Majeſty and Government, the happy Revolution, and the Proteſtant Succeſſion as by Law Eſtabliſh'd, the Doctor would be convicted, and puniſhed for them according to his Demerits.

However, the Queſtion being put, it was *Reſolved*,

That the ſaid Dr. *Henry Sacheverell* be impeached of High Crimes and Miſdemeanors. And

Ordered,

That Mr. *Dolben* do go to the Lords, and, at their Bar, in the Name of all the Commons of *Great-Britain*, Impeach the ſaid Dr. *Henry Sacheverell* of High Crimes and Miſdemeanors, and acquaint the Lords, That the Houſe will, in due time, exhibit Articles againſt the ſaid *Henry Sacheverell*.

Ordered,

That a Committee be appointed to draw up Articles of Impeachment againſt the ſaid Dr. *Henry Sacheverell*.

And a Committee was appointed accordingly, with Power to ſend for Perſons, Papers, and Records, and to ſit *de die in diem*.

Then *Henry Clements* was call'd in, and, at the Bar, was examin'd touching his Printing and Publiſhing the ſaid Two Books: Which he own'd, and that he had the Copies of them from Dr. *Sacheverell*. After which, he was directed to withdraw.

Ordered,

That the ſaid Dr. *Henry Sacheverell* be taken into the Cuſtody of the Serjeant at Arms attending the Houſe.

Sir *Samuel Gerrard*, Bar. Lord-Mayor of the City of *London*, was in the Houſe, in his Place: And the Speaker obſerving to the Doctor, that the Houſe took Notice, he had affirm'd, in the Epiſtle Dedicatory to my Lord-Mayor of *London*, before the Sermon preach'd at St. *Pauls*, that he had publiſh'd it by his Lordſhips Command, he was aſk'd, Whether my Lord-Mayor did command him to publiſh his Sermon? To which he anſwer'd, "That, in the ſtrict Senſe of the Word *Command*, "he did not; but in the common Acceptation of the Word, "as the Deſires of Superiors to their Interiors are ſaid to be "*Commands*, he did *command* him, for he did deſire and preſs "him to print it. Then he gave a particular Account of the Converſation he had, at ſeveral times, with my Lord-Mayor, about it. Which was attended with ſuch Circumſtances, that tho' his Lordſhip thought fit peremptorily to deny, yet every one that heard what the Doctor ſaid, ſeem'd to give him Credit.

After this, the Two following Reſolutions paſs'd.

Reſolved,

That the Reverend Mr. *Benjamin Hoadly*, Rector of St. *Peters*

Peters Poor, London, for having often ſtrenuouſly juſtify'd the Principles on which Her Majeſty and the Nation proceeded in the late happy Revolution, hath juſtly merited the Favour and Recommendation of this Houſe.

Reſolved,

That an humble Addreſs be preſented to Her Majeſty, That She will be graciouſly pleaſed to beſtow ſome Dignity in the Church on the ſaid Mr. *Hoadly*, for his eminent Services both to Church and State.

Theſe were propos'd by Mr. *An. Henley*, and ſeconded by Sir *Joſ. Jekyll*. However, there were ſeveral Negatives to theſe Reſolutions. And 'tis obſervable, That when this Addreſs was preſented to the Queen by Mr. Secretary *Boyle*, Her Majeſty was pleas'd to anſwer, *That She would take a proper Opportunity to comply with their Deſire.*

On the 15*th*. of *December* the Commons *Order'd*, That Mr. *Dolben* (when he goes to the Lords, to Impeach Dr. *Henry Sacheverell* of High Crimes and Miſdemeanors) do acquaint the Lords, That the ſaid *Henry Sacheverell* is in Cuſtody of the Serjeant at Arms attending the Houſe, ready to be deliver'd to the Gentleman-Uſher of the Black-Rod, when the Lords ſhall pleaſe to give Order therein.

Mr. *Dolben* reported to the Houſe, That he had, purſuant to their Order, been at the Lords; and, at their Bar, had Impeach'd Dr. *Henry Sacheverell* of High Crimes and Miſdemeanors; and had alſo acquainted the Lords with their other Order.

On the 17*th*. A Petition of *Henry Sacheverell*, D. D. in Cuſtody of the Serjeant at Arms attending the Houſe, was preſented to the Houſe, and read; praying, that the Houſe will be pleaſed to order him to be admitted to Bail, that he may have an Opportunity of making his Defence, being inform'd that he is impeach'd at the Bar of the Houſe of Lords for High Crimes and Miſdemeanors.

Ordered,

That a Committee be appointed to ſearch Precedent concerning the taking Bail in Caſes of Perſons committed for High Crimes and Miſdemeanors; and that they do make their Report thereof to the Houſe upon *Monday* Morning next.

Ordered,

That it be referr'd to the Committee who are to draw up the Articles of Impeachment againſt Dr. *Henry Sacheverell*, to ſearch Precedents, and make Report thereof to the Houſe.

There was ſome Debate before the Houſe order'd a Committe.

On the 19. Mr. *Dolben* acquainted the Houſe, That the Committee who were upon *Saturday* laſt appointed to ſearch Prece-

dents concerning the taking Bail in Cases of Persons committed for High Crimes and Misdemeanors, and to report the same to the House this Day, had made all the Progress they could in so short a Time; but that they found, it requir'd more Time, and had directed him to move, That they may have farther Time to make their Report

Ordered,

That the said Committee do search the Lords Journals, in relation to the Proceedings upon Impeachments by the Commons, and make their Report thereof to the House with all convenient Speed.

Ordered,

That all Committees be adjourn'd, except the Committee who are appointed to draw up the Articles of Impeachment against Dr. *Henry Sacheverell*; and who are to search the Lords Journals in relation to the Proceedings upon Impeachments by the Commons.

On the 22d. Mr. *Dolben* reported from the Committee appointed to search Precedents concerning the taking Bail in Cases of Persons committed for High Crimes and Misdemeanors, and to search the Lords Journals in relation to the Proceedings upon Impeachments by the Commons, and to make their Report to the House, That they had searched Precedents, and the Lords Journals, accordingly; and had directed him to report what Precedents they had found; which he read in his Place, and afterwards deliver'd in at the Table, where the same were read.

And a Motion being made, and the Question being put, That Dr. *Henry Sacheverell* be admitted to Bail, according to the Prayer of his Petition, it passed in the Negative.

Yeas 79. *No's* 114.

In the Debates on this Matter, there was a great Variety of Opinions: Some thought, the Commons might bail a Person committed by them, but not in this Case: Others, that it was discretionary in them, whether they would bail, or not; and that this Person deserved it not from them; and one, that the Commons could never bail in any Case. Others insisted, in favour of Liberty, that if they could bail, they ought to bail; and that they could bail, argu'd from the Equity and Reasonableness of the Thing, that those who could commit, might bail: They shewed Precedents in the Case of Mr. *Seymour* and the Smugglers, impeach'd for High Crimes and Misdemeanors; in one of which, the Persons impeach'd and committed by the House of Commons, was admitted to Bail; in the other, the Commons, upon their Petition, consented to bail them; and they had been bailed, but their Sureties made Objections to the

Condition

Condition of their Bonds, and would not submit to it. Besides, it was urged, that this Case was in itself bailable, and so agreed by all Gentlemen; and that the Dr's Hardship might be the greater, because it was probable, if the Commons did not bail him, he must lie in Custody, when bailable by Law, till after the Recess of Parliament: For the Articles not being exhibited to the Lords against him, it was thought, the Lords would not take him out of the Custody of the Commons, and commit him upon a General Charge; and till they committed him, they could not bail him. This was his Case; for upon Application to the Lords, they refused to commit him, till the Commons had exhibited their Articles: The Lords said, The Commons might never exhibit any; and they would not do so unreasonable a Thing, as to commit any one, on a General Charge. And so he lay a Prisoner by the Commitment of the House of Commons, in a Case bailable by Law, and for which there were Precedents for the Commons admitting to Bail, from *Dec.* 14. to *Jan.* 12. It is observable, That some urged, against the Bailing the Doctor, one Part of the Message deliver'd by Mr. *Dolben* to the Lords, when he impeach'd him at their Bar, 'That the Doctor was in Custody of the Serjeant 'at Arms attending the House, ready to be deliver'd to the 'Gentleman-Usher of the Black-Rod, when the Lords should 'please to give Order therein; But others, that agreed with them against admitting him to Bail, approved of Expedients to get off that, and did not think it reasonable to preclude him from it by their own Message.

There was one Thing in this Debate gave some Diversion to the House. An Honourable Member, declaring himself against bailing Dr. *Sacheverell*, said, He would put them in Mind of the Case of Mr. *Thompson*. He was a Parson too; he was impeach'd by the Commons for High Crimes and Misdemeanors; he was bailed by them; he afterwards ran beyond Sea, turn'd Priest, and so evaded their Justice; and, he believed, this *Fellow* would do so too. To this, another Gentleman answer'd, He believ'd the Noble Lord was as much mistaken in his Conclusion, as he was in his Premisses. He did not believe the Doctor would run away, if he was bailed. And as to the Precedent of Mr. *Thompson*, the Noble Lord was mistaken in every Part of it, except that he was a Parson; for he was not bailed by the Commons, he did not run beyond Sea, and turn'd Priest, and so evaded their Justice. The Parliament that impeach'd him was soon after dissolved; he was made Dean of *Bristol*, and lived and died so.

On the 9th of *January* 17$\frac{1}{2}$. Mr. *Dolben* reported from the Committee appointed to draw up Articles of Impeachment against Dr. *Henry Sacheverell*, That they had drawn up Articles accordingly, which they had directed him to report to the

House:

House: And he read them in his Place, and afterwards deliver'd them in at the Table, where they were read.

It was then propos'd, that it being impossible the Members could make their Observations on the Articles in such Readings, and the Honour of the House being concerned to have them such as might be justified, a little Time should be allowed, before they were read the second time, to consider them; and to convince others, they intended not delay by it, they only ask'd till *Wednesday*. This was order'd; but then it was moved, that no Copies might be taken of the Articles, because it was not proper they should be made Publick in the Coffee-Houses, nor shewed to the Doctor, before they were agreed to, and carried up to the Lords. On the other Hand, it was urged, This was precluding Members of their Right by unreasonable Suppositions; that they had a Right to take Copies of any Papers before the House, for their Information; and it was not to be imagin'd, they would publish the Articles in Coffee-Houses, or shew them to the Doctor. And, what if they did shew them to him? Were they to be kept a Secret from him! Would he not have a Copy of the Articles order'd him by the Lords, as soon as they were carried to them? And, what Advantage would it be to him, or Disadvantage to the Commons, to see them sooner? But, if Copies were not to be taken of the Articles, it was no Favour, no Benefit to put off the Consideration of them; it had an Appearance of doing what was fair and reasonable, but would, in Truth, be doing nothing; for without taking Copies of them, they could not be consider'd. And it having been said, by one Gentleman, That this was an extraordinary Thing, and what had never been done before; another reply'd, He thought it Extraordinary, but could not agree, it had never been done before; he remember'd the like, when Sir *J. Fenwick*'s Confessions had been read in the House of Commons; they were order'd to be sealed up by the Speaker, that no Copies might be taken of them. He did not approve that Precedent so well as to follow it; he wished Copies had been taken of those Papers, and that they had been printed; he believ'd, the Kingdom would have been the better for them, at this Day.

After these Debates, this Motion was waved.

On the 11th of *January*, The Order of the Day being read, for the Reading a second time the Report from the Committee to whom it was referr'd to draw up Articles of Impeachment against Dr. *Henry Sacheverell*;

Ordered,

That the Report be read Paragraph by Paragraph.

Then the first Paragraph (being the Preamble to the Articles) being read, and a Motion being made, and the Question being put, That the Report be recommitted, it passed in the Negative. *Yeas* 131. *No's* 232. *Ordered*,

Ordered,

That Candles be brought in; and Candles were brought in accordingly.

Reſolved,

That the Houſe doth agree to the ſaid firſt Paragraph.

Then the Articles being ſeverally read one by one, were (upon the Queſtion ſeverally put thereupon) agreed unto by the Houſe, to be the Articles to be exhibited againſt the ſaid Dr. *Henry Sacheverell*.

Then the laſt Paragraph being read, the ſame was alſo agreed unto by the Houſe.

Ordered,

That the Articles be Engroſſed.

There were great Debates in relation to the Recommitting the Articles of Impeachment. In which ſame Miſtakes were ſhewn in the Preamble to the Articles, and wrong Inferences drawn from them. And the Articles were ſaid to be ſo uncertain, it was impoſſible any one could plead to them; and it was preſſed, that thoſe who drew them up, would let the Houſe know, on what Paragraphs in the Sermons they were grounded. To this was anſwer'd, That was too Early, when they only had the Preamble under Conſideration; when the Articles were read, they would produce the paſſages in the Sermons.

On the 12 of *January*. The Engroſſed Articles of Impeachment againſt Dr. *Henry Sacheverell*, were read.

Ordered,

That the ſaid Articles be carried to the Lords, by Mr. *Dolben*.

At this time, there was no Debate nor Diviſion upon the Articles, only a loud Negative of ſome Members to the Queſtion of carrying them up to the Lords. The ſame Day Mr. *Dolben* carried theſe Articles to the Lords, who read them the firſt time; being as follows,

JANUARY 10. 1709.

Articles exhibited by the* Knights, Citizens, *and* Burgeſſes *in Parliament aſſembled, in the Name of themſelves, and of all the Commons of* Great Britain, *againſt* Henry Sacheverell, *D. D. in Maintenance of their Impeachment againſt him, for high Crimes and Miſdemeanors.

WHereas his late Majeſty King *William* the Third, then Prince of *Orange*, did, with an arm'd Force, undertake a Glorious Enterprize, for delivering this Kingdom from Popery, and arbitrary Power; and divers Subjects of this Realm,

Realm, well affected to their Country, join'd with, and assisted his late Majesty in the said Enterprize: And it having pleas'd Almighty God to Crown the same with Success, the late happy Revolution did take Effect, and was establish'd: And whereas the said Glorious Enterprize is approv'd by several Acts of Parliament, and amongst others by an Act made in the first Year of the Reign of King *William* and Queen *Mary*, entitl'd, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*; and also by another Act made in the same Year, intitl'd, *An Act for preventing vexatious Suits, against such as acted, in Order to the bringing in their Majesties, or for their Service*; and also by another Act in the same Year, entitl'd, *An Act for appropriating certain Duties for paying the States-General of the united Provinces their Charges for his Majesty's Expedition into this Kingdom, and for other Uses: And the Actings of the said well-affected Subjects, in Aid and Pursuance of the said Enterprize*, are also declar'd to have been Necessary, and that the same ought to be Justified. And whereas the happy and blessed Consequences of the said Revolution, are the Enjoyment of the Right of God's true Religion establish'd among us, and of the Laws and Liberties of the Kingdom, the uniting her Majesty's Protestant Subjects in Interest and Affection, by a Legal Indulgence, or Toleration, granted to Dissenters; the Preservation of her Majesty's Sacred Person; the many and continual Benefits arising from her Majesty's wise and glorious Administration, and the Prospect of Happiness for future Ages, by the Settlement of the Succession of the Crown in the Protestant Line, and the Union of the two Kingdoms. And whereas the Lords Spiritual and Temporal, and Commons in Parliament assembled, did, by their Address of the 17th of *December*, 1705, lay before her Majesty the following Vote, or Resolution, *viz. That the Church of England, as by Law establish'd, which was rescu'd from the extreamest Danger by King* William *the Third, of glorious Memory, is now, by God's Blessing, under the happy Reign of her Majesty, in a most safe and flourishing Condition; and that whoever goes about to suggest and insinuate, that the Church is in Danger under her Majesty's Administration, is an Enemy to the Queen, the Church, and the Kingdom.* And by their said Address, did humbly beseech her Majesty to take effectual Measures for making the said Vote or Resolution publick; and also for the punishing Authors and Spreaders of such seditious and scandalous Reports. And on the 20th Day of the same *December*, her Majesty was pleas'd to issue her Royal Proclamation accordingly: Yet nevertheless the said *Henry Sacheverell* preach'd a Sermon at the Assizes held at *Derby*, *August* the 15th, in the Year of our Lord 1709, and afterwards publish'd the same in Print, with a Dedication thereof. And the

said

said *Henry Sacheverell* also preach'd a Sermon at the Cathedral Church of St. *Paul*, before the Lord Mayor, Aldermen, and Citizens of *London*, on the 5th of *November* last, being the Anniversary from the *Gun-powder-Treason*, and for beginning the late happy Revolution by giving his late Majesty a safe Arrival here, and for compleating the same, by making all Opposition fall before him, till he became our King and Governor, which said Sermon, he the said *Henry Sacheverell* afterwards likewise publish'd in Print, with a Dedication thereof to Sir *Samuel Gerrard*, Baronet, Lord Mayor of the City of *London*: And with a wicked, malicious, and seditious Intention to undermine and subvert her Majesty's Government, and the Protestant Succession, as by Law establish'd; to defame her Majesty's Administration; to asperse the Memory of his late Majesty; to traduce and condemn the late happy Revolution; to contradict and arrain the Resolution of both Houses of Parliament; to create Jealousies and Divisions amongst her Majesty's Subjects, and to incite them to Sedition and Rebellion.

ARTICLE I.

He, the said *Henry Sacheverell*, in his said Sermon preach'd at St. *Paul*'s doth suggest and maintain, *That the necessary Means us'd to bring about the said happy Revolution, were odious and unjustifiable; that his late Majesty in his Declaration, disclaim'd the least Imputation of Resistance; and that to impute Resistance to the said Revolution, is to cast black odious Colours upon his late Majesty, and the said Revolution.*

ART. II.

He, the said *Henry Sacheverell*, in his Sermon preach'd at St. *Paul*'s doth suggest and maintain, *That the aforesaid Toleration, granted by the Law, is unreasonable, and the Allowance of it unwarrantable; and asserts, That he is a False Brother with Relation to God's Religion, or the Church, who defends Toleration and Liberty of Conscience; That Queen* Elizabeth *was deluded by Arch-bishop* Grindall, *whom he scurrilously calls a* false Son of the Church, *and a* perfidious Prelate *to the Toleration of the* Genevian Discipline; *and that it is the Duty of superior Pastors to thunder out their Ecclesiastical* Anathema's *against Persons entitled to the Benefit of the said Toleration; and insolently dares, or defies any Power on Earth to reverse such Sentences.*

ART. III.

He, the said *Henry Sacheverell*, in his Sermon preach'd at St. *Paul*'s doth falsely and seditiously suggest and assert, *That the Church*

Church of England is in a Condition of great Peril and Adverſity under her Majeſty's Adminiſtration; and in order to arraign and blacken the ſaid Vote, or Reſolution of both Houſes of Parliament, approv'd by her Majeſty aforeſaid; he, in Oppoſition thereto, doth ſuggeſt the Church to be in Danger; and as a Parallel, mentions a Vote; That the Perſon of King Charles *was Voted to be out of Danger at the ſame time that his Murderers were conſpiring his Death; hereby wickedly and maliciouſly inſinuating, That the Members of both Houſes, who paſs'd the ſaid Vote, were then conſpiring the Ruin of the Church.*

ART. IV.

He, the ſaid Henry Sacheverell, in his Sermons and Books, doth falſely and maliciouſly ſuggeſt, That her Majeſty's, Adminiſtration, both in Eccleſiaſtical and Civil Affairs, tends to the Deſtruction of the Conſtitution, and that there are Men of Characters and Stations in Church and State, who are Falſe Brethren; *and do themſelves, weaken, undermine, and betray; and do encourage, and put it into the Power of others, who are profeſs'd Enemies, to over-turn and deſtroy the Conſtitution and Eſtabliſhment, and chargeth Her Majeſty, and thoſe in Authority under Her, both in Church and State, with a general Male-Adminiſtration; and, as a publick Incendiary, he perſwades Her Majeſty's Subjects to keep up a Diſtinction of Factions and Parties; inſtills groundleſs Jealouſies, foments deſtructive Diviſions among them, and excites and ſtirs them up to Arms and Violence; and that his ſaid malicious and ſeditious Suggeſtions may make the ſtronger Impreſſions upon the Minds of Her Majeſty's Subjects: He, the ſaid* Henry Sacheverell, *doth wickedly wreſt and pervert divers Texts and Paſſages of holy Scripture.*

All which Crimes and Miſdemeanors the *Commons* are ready to prove, not only by the general ſcope of the ſaid Sermons or Books, but likewiſe by ſeveral Clauſes and Sentences, and Expreſſions in the ſaid Sermons or Books contain'd; and that the ſaid *Henry Sacheverell*, by preaching the Sermons, and publiſhing the Books aforeſaid, did abuſe his holy Function, and hath moſt grievouſly offended againſt the Peace of her Majeſty, her Crown and Dignity, the Rights and Liberties of the Subject, the Laws and Statutes of this Kingdom, and the Proſperity and good Government of the ſame. And the ſaid *Commons*, by Proteſtation, ſaving themſelves the Liberty of exhibiting at any time hereafter, any other Articles or Impeachment againſt the ſaid *Henry Sacheverell*, and alſo of replying to his Anſwer, or any of them; and of offering Proofs of all the Premiſes, or any of them, and of any other Article or Impeachment,

ment, that ſhall be exhibited by them, as the Caſe, according to Courſe of Parliament ſhall require, do pray, that the ſaid *Henry Sacheverell* may be put to anſwer to all and every the Premiſes: And that ſuch Proceedings, Examination, Tryal, Judgment, and exemplary Puniſhment may be thereupon had and executed, as is agreeable to Law and Juſtice.

On the 13th the Serjeant at Arms acquainted the Houſe, that, in purſuance of their Order of the 15th of *December* laſt, he did, yeſterday, deliver Dr. *Henry Sacheverell* to the Deputy of the Gentleman-Uſher of the Black-Rod; and had taken a Diſcharge for him.

Dr. *Sacheverell* having petition'd the Lords to be Bailed, their Lordſhips order'd a Committee to enquire into the Validity of his Bail, allow'd him Council, and a Copy of the Articles.

The next Day, *January* 14th, Dr. *Sacheverell* was ordered to give in his Anſwer to the Articles next *Wedneſday*. The Lords accepted of Dr. *Lancaſter*, Vice-Chancellor of *Oxon*, and Dr. *Bowes*, for his Bail. And accordingly, he was Bailed, himſelf in a Recognizance of 6000 *l.* and his Sureties each in three Thouſand Pounds.

Serjeant *Pratt*, Sir *Simon Harcourt*, Mr. *Raymond*, and Mr. *Phipps*, were allowed, by the Lords, to be Council for Dr. *Sacheverell*: And Mr. *Huggins* to be his Solicitor.

On the 16th of *January* Dr. *Sacheverell*, upon his Petition, had farther Time given him, to put in his Anſwer.

On the 25th of the ſame Month, he attended the Houſe of Lords, and deliver'd in his Anſwer to the Articles of Impeachment againſt him, which was read, as follows.

Dr. Henry Sacheverell's *Anſwer to the Articles exhibited againſt him by the Commons, in Maintenance of their Impeachment for High Crimes and Miſdemeanors.*

THE ſaid *Hen. Sacheverell*, ſaving to himſelf all the Advantages of Exception to the ſaid Articles for the Generality, Uncertainty, and Inſufficiency thereof, and of not being prejudic'd by any Words, or Want of Form in this his Anſwer, admits, That he preach'd a Sermon at the Aſſizes held for the County of *Derby*, on the 15th Day of *Auguſt*, 1709, at the Requeſt of *George Sacheverell*, Eſq; High-Sheriff of the ſaid County; and another at the Cathedral of St. *Paul*, at the Deſire of the Lord-Mayor of *London*, Sir *Samuel Gerrard*, and before the ſaid Lord-Mayor, Aldermen, and Citizens on the 5th of *November* laſt; and that he cauſ'd the ſaid Sermons to be printed: But denies that he preach'd, or cauſ'd thoſe Sermons,

to

to be printed or publish'd, with any such wicked, malicious, & seditious Intent, as in the Preamble to the said Articles is affirm'd. The Sermon preach'd at *Derby* having been by him printed at the Request of the Gentlemen of the Grand-Jury of that County, and Dedicated it to them as an Acknowledgment for the Honour he receiv'd by their publick Approbation of it. And the said Lord-Mayor approv'd of the Sermon preach'd at St. *Paul's*, was at his Request printed with a Dedication to him.

And for Answer to the said Articles *Henry Sacheverell* humbly said.

Answer to the first Article.

To the first Part of the first Article, the said *Henry Sacheverell*, denies that in his Sermon preach'd at St. *Paul's*, *He does suggest and maintain, that the necessary Means us'd to bring about the Revolution, were odious, and unjustifiable.* Nor does he in any part of that Sermon, affirm any Thing concerning the Means to bring about the Revolution. He is so far from reflecting on his late Majesty, or the Revolution, that he there endeavours to clear both from the Aspersions of their Enemies.

As to that Part of the said Article, whereby the said *Henry Sacheverell* is charg'd, with *Suggesting and Maintaining that his late Majesty in his Declaration, disclaim'd the least Imputation of Resistance*; he does acknowledge himself to have made such Suggestion, and declares he did it in Vindication of his Majesty. The Resistance he represents the late King to have disclaim'd, being such as tended to the Conquest of this Realm, as appears by his said Majesty's Declaration referr'd to, and *verbatim* set forth at the Bottom of the Page, where his Majesty's disclaiming that Imputation is mention'd.

Whether the said *Henry Sacheverell* was mistaken or not, in expressing himself as if the late King disclaim'd any Imputation of Resistance, when he, the said *Henry Sacheverell*, meant thereby a Design of Conquest, he humbly conceives such a Suggestion, by him design'd for the Honour of the late King, cannot reasonably be construed as a Rebellion on his said Majesty, or any Crime, or Misdemeanor.

Farther, to justify what the said *Henry Sacheverell* said, as to his late Majesty's having disclaim'd Resistance, he humbly observes that the following Passages are in his late Majesty's Declaration; *We have thought fit to go over to* England, *and to carry over with us a Force sufficient, by the Blessing of God, to defend our selves from the Violence of evil Counsellors.—— We think fit to declare, that this our Expedition is intended for no other Design, but to have a Free and Lawful Parliament assembled.*

As to the last Charge in the said Article, the said *Henry*

of *Sacheverell*

Sacheverell denies, that he doth in his said Sermon *suggest and maintain, that to impute Resistance to the said Revolution, is to cast black and odious Colours upon his late Majesty, and the said Revolution*; the Persons whom he describes, as reflecting on his late Majesty, and the Revolution, are not those who impute Resistance to the late Revolution, of whom he affirms Nothing, *But those new Preachers and new Politicians, who teach, in Contradiction to the Gospel, and the Laws, that the People have the Power vested in them, the Fountain and Original of it, to cancel their Allegiance at their Pleasure, and to call their Sovereign to Account for High-Treason against his Subjects, nay, and to dethrone and murder him for a Criminal, as they did the Royal Martyr by a judiciary Sentence; who are Maintainers of Antimonarchical Schemes, and of such damnable Positions as are, by the Laws of Church and State, condemn'd for Rebellion and High-Treason; and who urge the Revolution in Defence of such Principles:* Unless then those who impute Resistance to the Revolution, be the same with those new Preachers and new Politicians above specify'd, the said *Henry Sacheverell* affirms Nothing concerning them.

The said *Henry Sacheverell* does not find that he has given any Pretence to the first Article exhibited against him, in his Sermon preach'd at *St. Pauls*, but his bare asserting the Illegality of resisting the Supream Power upon any Pretence whatsoever; for which Assertion he humbly conceives he has the Authority of the Church of *England*, which, in divers Passages of her Homilies, too numerous to be here specify'd, but by him ready to be produc'd, teaches this Doctrine, as founded, on the Word of God, particularly in the second Part of the Sermon of Obedience in the Book of Homilies, set forth in the Time of King *Edward* VI, where are these Words? *Here, good People, let us all mark diligently: It is not lawful for Inferiors and Subjects in any Case to resist and stand against the Superior Powers, for St. Paul's Words be plain, that whosoever withstandeth, shall get to themselves Damnation; for whosoever withstandeth, withstandeth the Ordinance of God.*

The said Book of Homilies, is affirm'd in one of the 39 Articles to contain good and wholsome Doctrine, and is order'd to be read in Churches, by the Ministers, to the People. And in farther Maintenance of the said Doctrine contain'd in the Book of Homilies and their Authority, the said *Henry Sacheverell* saith, That by an Act of Parliament made in the 13th Year of the Reign of Queen *Elizabeth*, entituled, *An Act for the Ministers of the Church to be of sound Doctrine*, 'Tis enacted, *That no Person should thereafter be admitted to any Benefice with Cure, except he should first have subscrib'd the said Articles, in the Presence of the Ordinary, and publickly read the same in the Parish-Church of that Benefice, with Declaration*

claration of his unfeigned Assent to the same. And that by an Act made in the 5th Year of Her present Majesty's Reign, entituled, *An Act for securing the Church of* England, *as by Law establish'd*, it was enacted, *That the said Act made in the 13th Year of Q.* Elizabeth, *should remain and be in full Force for ever; and be inserted in express Terms in any Act which should be made, for ratifying the Union of the two Kingdoms of* England *and* Scotland, *and therein declar'd to be an Essential and Fundamental Part thereof.* And the same was accordingly done in an Act for Union of the two Kingdoms.

And the said *Henry Sacheverell* does further insist that the aforesaid Assertion is warranted by the Common-Law of *England*, and several Acts of Parliament still in Force.

He does farther aver the illegality of Resistance on any Pretence whatsoever to be the Doctrine of the Church of *England*, and the general Opinion of our most Orthodox Divines, from the Time of the Reformation to this Day; it has been taught by that University, whereof he has been a Member above 20 Years, and often preach'd and printed, with publick Approbation of each House of Parliament, and maintain'd by the Reverend Fathers of our Church, Dead and Living, in Terms of greater Force than any us'd by the said *Henry Sacheverell.*

Another Motive to him to preach on the 5th of *November*, against the Doctrine of Resistance, was because then the Church commemorates our Deliverance from the Attempts of Rebellious Papists, the Doctrine of Resisting supreme Powers, being originally theirs, and therefore he conceives the Rubrick of the Office appointed for that Day by the late *Q. Mary*, directs, that after the Creed, if there be no Sermon, one of the six Homilies against Rebellion shall be read.

The said *Henry Sacheverell* therefore hopes, That whilst the Church of *England* flourishes under Her Majesty, whilst *Popish* Tenets are condemn'd, and the Laws of the Kingdom continue in their Vigour, a Dutiful Son of the Church shall not be condemn'd for Asserting the Doctrine of *Non-Resistance*, but if it should be declar'd erroneous, and he suffer for asserting it, he trusts God will enable him to shew his steady Belief of it, by a meek Resignation to whatever shall befall him on that Account.

Answer to the Second Article.

To that Part of the second Article which charges the said *Henry Sacheverell* with suggesting and maintaining, *That the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable*; he saith, That upon the strictest Enquiry he has not been able to find, that a Toleration has been granted by Law; but admits, that an Act pass'd in the first

Year

Year of K. *William* and Q. *Mary*, entituled, *An Act for exempting their Majesty's Protestant Subjects Dissenting from the Church of* England *from the Penalties of certain Laws.* Which Exemption the said *Henry Sacheverell* does not any where suggest to be unreasonable, or unwarrantable; but hop'd he had prevented any such Misapprehension, by the following Words in his Sermon at St. *Pauls.* —— *I would not be here misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence, which the Government has condescended to give them, which I am sure all those who wish well to our Church are ready to grant to Consciences truly scrupulous: Let them enjoy it in the full Limits the Law has prescrib'd.*

If any other Expressions in the Sermon seem to carry a dubious Sense towards Toleration, he hopes they will be interpreted agreeably to his avow'd Approbation of that Law.

To such Part of the second Article as charges the said *Henry Sacheverell* with asserting, *That he is a False Brother, with Relation to God, Religion, or the Church, who defends Toleration and Liberty of Conscience:* He saith, That having so plainly declar'd himself, in Favour of the Exemption granted by Law, he cannot be thought to reflect on the Defenders of that legal Indulgence, which he himself approves, when he blames those who, upon all Occasions, defend Toleration and Liberty of Conscience: He does indeed suggest it to be one Part of the Character of a False Brother, *upon all Occasions to defend Toleration and Liberty of Conscience; and, to excuse the Separation, lay the Fault upon the true Sons of the Church, for carrying Matters too high.* Which universal Defence of Toleration, and Excuse of Separation, with the laying the Fault of it on the True Sons of the Church, are by him joyntly mention'd in the same Clause, and Branch of the Character. So that he reflects not on all who defend Toleration, much less the Exemption granted by Law to Dissenters, but on those who are for universal Toleration, and lay the Fault of Separation on the True Sons of the Church; whom he did and still does conceive to be blameable, and if Members of the Church to be False Brethren.

As to that Part of the second Article which charges the said *Henry Sacheverell* with asserting, *That Q.* Elizabeth *was deluded by Archbishop* Grindal, *to the Toleration of the* Genevian *Discipline*; he saith, he humbly conceives he has good Authority for it from the Histories of those Times; but whether he has, or not, he apprehends such Assertion to be no Proof of his Suggesting, That the Exemption of Dissenters from certain Laws, granted by an Act in the first Year of K. *William*, and Q. *Mary*, is unreasonable or unwarrantable. For he thinks the Difference very great between a Toleration of the *Genevian*

Diſcipline, and an Exemption of Proteſtant Diſſenters from certain Laws; which Exemption he wiſheth under the ſame Limitations to all Her Majeſty's Proteſtant Subjects.

As to ſuch Part of the ſecond Article, which charges the ſaid *Henry Sacheverell, with ſcurrilouſly calling the ſaid Archbiſhop* Grindal, *a Falſe Son of the Church, and a perfidious Prelate*; he hopes any harſh Expreſſions concerning that Prelate, may be excus'd, becauſe that Archbiſhop permitting Innovations in the Church, incurr'd the Diſpleaſure of Q. *Elizabeth*, was by her Order Suſpended, and ſo continu'd to his Death. However, the ſaid *Henry Sacheverell* preſumes, that no Words ſpoken of a Prelate that has been dead above 120 Years, will amount to an High Crime and Miſdemeanor.

To that part of the ſecond Article, which charges the ſaid *Henry Sacheverell* with maintaining, *That it is the Duty of ſuperior Paſtors to thunder out their Eccleſiaſtical* Anathema's *againſt Perſons entituled to the Benefit of the ſaid Toleration*; he ſaith, He doth not Suggeſt any ſuch Duty in Paſtors, as mention'd in the ſaid Charge; but if the Expreſſions unapply'd to any, muſt be determin'd to any one Sort of Perſons, he humbly conceives that Connection in his Diſcourſe will determine them, *to thoſe Schiſmatical and Factious Perſons, who take* Permiſſion *for* Power, *and advance* Toleration *immediately into an* Eſtabliſhment; ſuch Schiſmatical, Factious Perſons, he apprehends are not entituled to the Act of Exemption, deſign'd only for the Eaſe of ſcrupulous Conſciences.

As to the laſt part of the ſecond Article, which charges the ſaid *Henry Sacheverell* with *inſolently daring and defying any Power on Earth to reverſe ſuch Sentences*; he ſaith, The Sentence he dares any Power on Earth to Reverſe is only ſuch as is Ratify'd in Heaven, which he ſtill affirms, and conceives would be Blaſphemy in any one to deny. And does further believe, ſome Sentences pronounced by the Paſtors of the Church are Ratify'd in Heaven; and that ſome Perſons exempted from Puniſhment by the Laws of the Land, may be lyable by the Laws of Chriſt; and that Schiſm from a Church impoſing no Sinful Terms of Communion, is a Sin, expoſing the Perſons guilty of it to the Cenſures of the Church.

Anſwer to the Third Article.

As to ſo much of the third Article as charges the ſaid *Henry Sacheverell, That he does falſly and ſeditiouſly ſuggeſt, the Church of* England *is in great Peril and Adverſity under her Majeſties Adminiſtration*, &c. He denies that he has ſo ſuggeſted, or aſſerted; but does acknowledge, That in his Sermon he ſuggeſted, *That when National Sins are ripen'd to a full Maturity, to call down Vengeance from Providence*, &c. *all the Members of*

ſuch

ſuch a Church, or Kingdom, are in Danger in ſuch deplorable Circumſtances. Which Suggeſtion of Danger ariſing from Vice and Infidelity, he preſumes is not oppoſite to the Vote of the two Houſes, or Seditious, but agreeable to what is declar'd in an Act of the 9th and 10th of the late King *William* III. for the more effectual ſuppreſſing of Blaſphemy and Prophaneſs, wherein it is affirm'd, *That many Perſons had, of late Years, openly Avow'd and Publiſh'd many Blaſphemous and Impious Opinions, contrary to the Doctrines and Principles of the Chriſtian Religion, greatly tending to the Diſhonour of Almighty God, which might prove deſtructive to the Peace and Welfare of this Kingdom.* And he conceives, that ſince paſſing that Act, thoſe deteſtable Crimes have greatly increas'd. And he apprehends the ſaid Suggeſtions of Dangers ariſing from Vice and Infidelity, to be no way more Seditious, than the like Suggeſtions frequently us'd before each Houſe of Parliament in the Prayers of the Church, Authoriz'd by her Majeſty, wherein *we beſeech God, that no Sedition may diſturb this State, nor Schiſm diſtract this Church; and that he would give us Grace ſeriouſly to lay to Heart the great Dangers we are in by our unhappy Diviſions.*

As to ſo much of the third Article, whereby it is charg'd, *That the ſaid* Henry Sacheverell, *as a Parallel mentions a Vote, That the Perſon of* K. Charles *the firſt was voted to be out of Danger, at the ſame Time that his Murderers were conſpiring his Death; thereby wickedly and maliciouſly inſinuating, that the Members of both Houſes, who paſs'd the ſaid Vote, were then conſpiring the Ruin of the Church.* He anſwers, That he draws no Parallel between thoſe two Votes, the latter of which he no where mentions in his Sermon. But had he ſuggeſted any ſuch Parallel, which he did not, it would not have inſinuated that the Members of both Houſes who paſs'd the late Vote, were conſpiring the Ruin of the Church; but only that as ſome innocent Perſons voted the King to be out of Danger, whilſt others were conſpiring his Murder; ſo when the two Houſes voted the Church to be out of Danger, ſome others might be conſpiring its Ruin, and others drawing down God's Vengeance by their Vice and Infidelity.

As the Vote of both Houſes, made four Years ago, only concern'd thoſe who did inſinuate the Churches being in Danger under Her Majeſty's Adminiſtration; ſo he preſumes it cannot affect thoſe who ſuggeſt the Chriſtian Faith to be in Danger by thoſe Atheiſtical, and irreligious Principles daily propagated from the Preſs. So that he thinks he might with Truth affirm in his Sermon at *Derby*, That there never were ſuch outragious Blaſphemies againſt God, *&c.* of which Aſſertion he is ready to bring undeniable and ample Proofs;

Answer to the fourth Article.

The fourth Article contains several Charges of a very high and criminal Nature, of which the said *Henry Sacheverell* knows his Heart to be entirely innocent; and with Comfort observes, that in the other Articles he is said to have maintain'd and asserted, as well as suggested the Matter charg'd upon him, but in this fourth he is only accus'd of Suggesting and Insinuating.

To that Part of the fourth Article, whereby it is charg'd, *That the said* Henry Sacheverell, *in his said Sermons and Books, doth falsly and maliciously suggest, that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution*, he answers, That he has not, in either of his Books or Sermons, made any mention of her Majesty's Administration, or of her Ministers; but is so far from suggesting, that it leads to the Destruction of the Constitution, that amongst the Blessings owing to our Deliverance, annually Commemorated on the Fifth of *November*, he reckons this to be one, *That her Majesty sits on the Throne, and prays to God to preserve her*, &c. And in his Dedication of his said Sermon preach'd at St. *Pauls*, solemnly declares, as he did before in his Discourse, *That his only Aim and Intention was earnestly to contend for the Safety, Rights, and Establishment of her Majesty, together with those of the Church.*

To that Part of the fourth Article, whereby it is charg'd, That the said *Henry Sacheverell* does suggest, *That there are Men of Characters and Stations in the Church, who are False Brethren*; he saith, That the *False Brethren*, as describ'd by him in his Sermon, *are either those who propagate false Doctrines, or who give up the Discipline and Worship of the Church, or who are for a Neutrality in Religion, or who wish well to the Church of* England, *and are ready to Sacrifice their Persons and Estates in her Vindication, but not shew their Zeal in the Communion of the Church, as well as for it, in obeying her Precepts as well as defending her Rights.* These being the Sorts of *False Brethren* by him enumerated, if he should have suggested, that there are Men of Characters and Stations in the Church, Words not restrain'd to the highest Characters and Stations, to whom that Denomination in some Sense does belong, he hopes that suggestion would not be deem'd False, Malicious, or highly Criminal.

Whereas in this fourth Article it is charged, That the said *Henry Sacheverell* does suggest, *That there are Men of Characters and Stations in the Church and State, who do themselves weaken, undermine and betray, and do encourage, and put into the power of others who are profess'd Enemies, to overturn and destroy the*

Constitution

Conſtitution and Government; he denies the ſuggeſting any ſuch Things of Men of Characters and Stations in Church or State, thoſe not being mention'd where he ſpeaks of ſuch as *weaken, undermine, betray*, &c. as above in the Charge; and where they are mention'd twelve Pages afterwards, he ſpeaks nothing of weakening, and underminng, betraying, &c. of above, and therefore hopes he ſhall not be anſwerable for a ſuppos'd Reflection, depending upon a Conjunction of Paſſages ſo remote from one another. The Weakners, Underminers, and Betrayers, to whom he refers, will, upon Examination, appear to be one of theſe three Sorts of Perſons; either, *Firſt ſuch as by their Writings endeavour to ſubvert the Foundations of our Church and State*; or, Secondly, *ſuch whether Writers or others, who are for a Latitudinarian Heterogeneous mixture of all Perſons of what Faith ſoever, uniting only in Proteſtancy*, &c. or Thirdly, *Thoſe Occaſional Conformiſts, who have ſo far eluded the Corporation, and Teſt Acts by their abominable Hypocriſie, as to have undermin'd and endanger'd the Government, by filling it (as far as they could) with its profeſs'd Enemies, that is, with themſelves.* Of theſe and their Encouragers he confeſſes he has ſuggeſted that, in his Opinion, they weaken, undermine, and betray the Conſtitution; but has no where ſuggeſted, that they are Men of Characters and Stations in the Church or State.

As to the Part of the fourth Article that accuſes the ſaid *Henry Sacheverell*, of charging Her Majeſty, and thoſe in Authority under Her, both in Church and State, with a general Male-Adminiſtration; he ſays, He abhors the Thoughts of ſuch a Charge againſt her Majeſty; nor does he ever tax thoſe in Authority with any Male-Adminiſtration, a Word he has never us'd, nor any other by which the Thing may be imply'd. And he is ſo far from making any undutiful Reflections on her Majeſty, or her Adminiſtration, that in ſeveral Writings he has publiſhed, and particularly one in Defence of her Title to the Crown, and Juſtification of her entering into a War with *France*, he has expreſs'd himſelf with the moſt Hearty and Loyal Zeal for her Majeſty's Perſon, Government, and Adminiſtration.

To the Charge, *That the ſaid* Henry Sacheverell, *as a publick Incendiary perſwades her Majeſty's Subjects to keep up a Diſtinction of Factions and Parties*; he ſays he is ſo far from it, that in his ſaid Sermon, *he invites the Separaliſts to renounce their Schiſm, and come ſincerely into the Church*, &c.

To the Accuſation in the ſame Article, *That the ſaid* Henry Sacheverell *inſtils groundleſs Jealouſies, and foments deſtructive Diviſions among her Majeſty's Subjects*; he ſays, That in his ſaid Sermon, he, on the contrary, Rebukes and Condemns thoſe, who, by falſe Inſinuations, imbroil the Publick.

To what is farther urg'd, *That the ſaid* Henry Sacheverell *excites and ſtirs up her Majeſty's Subjects to Arms and Violence*, he anſwers, God forbid he ſhould be guilty of ſo heinous a Crime; who aſſerts the *Utter illegality of Reſiſtance to the Supreme Power*; which aſſertion he conceives to be the chief, or only Ground of the Charge exhibited againſt him in the firſt Article.

For Confutation of this Charge, he offers one Paſſage out of his Sermon preach'd at *Derby*, in theſe Words; *We may be Partakers of other Mens Sins, if we do not, to the utmoſt of our Power, endeavour to obſtruct, or prevent their Commiſſion, when they manifeſtly endanger the Good of the Publick*, &c. And he hopes, That what he has ſaid in the Dedication of the ſame Sermon, *That there are not wanting ſome to preach the Truth, and others to ſupport it, at the expence of their Lives and Fortunes*, will not be conſtru'd, as exciting her Majeſty's Subjects to Sedition, and Rebellion, ſince that Truth is by him oppos'd to the Attempts of thoſe who betray the Principles and Intereſts of our Church and Conſtitution.

In the Sermon preach'd at St. *Pauls*, he excites Chriſtians *to put on the whole Armour of God, as wreſtling, not only againſt Fleſh and Blood, but againſt Principalities, againſt Powers, againſt the Rulers of the Darkneſs of this World, againſt Spiritual Wickedneſs in high Places.* But the ſame St. *Paul* has taught him, That the Arms of Reſiſtance taken up by Subjects againſt the higher Powers, are none of that Spiritual Armour; and the Principalities and Powers he ſpeaks of, being plainly diſtinguiſh'd from Fleſh and Blood, cannot, he thinks, be underſtood of Earthly Rulers.

As to the laſt part of this fourth Article, charging the ſaid *Henry Sacheverell* with wickedly wreſting and perverting divers Texts and Paſſages of Holy Scripture for imprinting his malicious Suggeſtions; he ſays, He had no Malicious Suggeſtions to imprint, and therefore no occaſion to wreſt the Scriptures. It is hard with the Miniſters of the Goſpel, if the Texts they cite ſhall be conſtrued in the moſt criminal Senſe, when they uſe them to excite Virtue, or reprove Mens Tranſgreſſions.

As to all other Matters in the ſaid Articles contain'd, and not here Anſwer'd unto, the ſaid *Henry Sacheverell* ſays, he is not Guilty of them, or any of them, in Manner and Form as they are Charg'd on him in and by the ſaid Articles; and humbly ſubmits himſelf to your Lordſhips Judgments.

HENRY SACHEVERELL.

After the Reading of the Anſwer the Doctor being ask'd, Whether or no he would abide by it? He anſwer'd in the Affirmative,

Affirmative. And then was order'd to withdraw. Their Lordſhips ſent his Anſwer down to the Commons.

A Meſſage from the Lords, by Mr. *Rogers* and Mr. *Hiccocks*, That they were commanded to acquaint the Houſe of Commons, that Dr. *Henry Sacheverell* had put in his Anſwer to the Articles of Impeachment, ſent from the Houſe of Commons againſt him; which their Lordſhips communicated to the Houſe, and deſire that the ſaid Original Anſwer may be return'd with convenient Speed.

Ordered,

That the ſaid Anſwer of Dr. *Henry Sacheverell*, now ſent from the Lords, be Read to-morrow Morning.

On the 26th, the Anſwer of Dr. *Henry Sacheverell*, ſent from the Lords, being, according to Order, read by the Commons, it was

Ordered,

That the Anſwer of Dr. *Henry Sacheverell*, ſent from the Lords yeſterday, be referr'd to the Committee who were appointed to draw up Articles of Impeachment, which were exhibited by the Commons to the Lords, againſt Dr. *Henry Sacheverell*, for high Crimes and Miſdemeanors; and that they do conſider thereof, and report their Opinion, what is moſt proper to be done towards the farther Proceedings thereon. And they have Power to ſend for Perſons, Papers, and Records. And they are to meet at ſuch Times and Places as they ſhall think fit.

On the 2d of *February*, Mr. *Dolben* reported from the Committee to whom the Anſwer of Dr. *Henry Sacheverell* was referr'd to conſider of the ſaid Anſwer, and report their Opinion, what is moſt proper to be done towards the farther Proceedings thereon, That they had conſider'd the ſame, and that they do find there are contained therein many Things not warranted by the Courſe of Proceedings upon Impeachments, foreign to the Charge, unbecoming a Perſon Impeach'd, and plainly deſign'd to reflect upon the Honour of the Houſe; and do humbly ſubmit to the Judgment of the Houſe their Opinion, That, for avoiding any Imputation of Delay to the Commons in a Caſe of ſo great Importance, a Replication be forthwith ſent up to the Lords, maintaining the Charge of the Commons; and the Committee have accordingly prepared the ſame; which they had directed him to report to the Houſe; and he read the ſame in his Place, and afterwards deliver'd the Report in at the Table, where the ſame was read, And the Replication being read a ſecond time, it was thereupon

Reſolved,

That the ſaid Replication be the Replication of the Commons to the Anſwer of Dr. *Henry Sacheverell*.

Ordered,

That the Replication be engroſſed. There

There were Debates in Relation to the engrossing of the Replication; when the Committee were desired to shew, what there was in Dr. *Sacheverell's* Answer, *not warranted by the Course of Proceedings upon Impeachments, foreign to the Charge, unbecoming a Person impeach'd, and plainly design'd to reflect on the Honour of the House.* The entring into these Particulars was declined; for which Reason, and because the Answer appear'd Full and Satisfactory, there was a Division upon engrossing the Replication, in which the *Yea's* were 182, the *No's* 88.

On the 3*d* of *February*, The engrossed Replication of the Commons to the Answer of Dr. *Henry Sacheverell* was read; being as follows.

The Commons have consider'd the Answer of Henry Sacheverell, *Doctor in Divinity, to the Articles of Impeachment exhibited against him by the Knights Citizens and Burgesses in Parliament Assembled, and observe, That there are many things in it not warranted by the Course of Proceedings upon Impeachments, foreign to the Charge of the Commons, unbecoming a Person Impeach'd, and plainly design'd to Reflect upon the Honour of the House of Commons in this proceeding, for which they might demand your Lordship's immediate Justice.*

But the Commons being sensible that the Nature of the Crimes whereof he stands Impeach'd, and the Necessity of bringing him to a speedy and exemplary Punishment require, That all occasions of Delay should be avoided, and not doubting that your Lordships will in due Time vindicate the Honour of the Commons, and the Justice of their Proceedings. The Commons do aver their Charge against the said Henry Secheverell *for high Crimes and Misdemeanors to be true, and that the said* Henry Sacheverell *is Guilty in such Manner as he stands Impeach'd, and that the Commons will be ready to prove their Charge against him at such convenient Time as shall be appointed for that purpose.*

Ordered,
That the said Replication be sent to the Lords.
Ordered,
That the Original Answer be return'd to the Lords.
Ordered,
That Mr. *Dolben* do carry the Original Answer of Dr. *Henry Sacheverell*, and the Replication thereunto, to the Lords.

On the 4*th* of *February*, A Message was sent from the Lords by Sir *Richard Holford* and Mr. *Gery*, That they were commanded to acquaint the House of Commons, that their Lordships have appointed *Thursday* next, at Seven of the Clock in the Morning, for the Tryal of *Henry Sacheverell*, Doctor in Divinity.

vinity, at the Bar of their House; and that their Lordships will take Care, that there will be Conveniences made there for the Managers of the House, at the Tryal, upon the Impeachment against him. Hereupon the Commons

Resolved,

That the Managers be appointed to make good the Articles of Impeachment against Dr. *Henry Sacheverell*.

Ordered,

That the Committee to whom it was referred to draw up the said Articles, be the said Managers.

Resolved,

That this House will be present at the Tryal of the Impeachment against Dr. *Henry Sacheverell*, as a Committee of the whole House.

Ordered,

That a Message be sent to the Lords, to acquaint them with the said Resolution, and to desire that a convenient Accomodation may be prepar'd them. And

Ordered,

That Mr. *Bromley* (who moved this Matter) do carry the said Message to the Lords.

The House divided on this Question, *Yea's* 192, *No's* 180.

There was a long Debate upon this Message; in which the several Precedents of the Cases of the Earl of *Strafford*, and the Lord Viscount *Stafford*, were cited, whose Tryals were in the Court prepared in *Westminster-Hall*: And the Case of the *French* Smugglers, impeach'd 1698, for high Crimes and Misdemeanors, when there were Conferences, and free Conferences, between the Two Houses, about a convenient Accommodation for the Commons to be present at the Tryal; which the Lords agreed to, being convinced by the Reasons of the Commons. It was said, that the first regular Tryal upon an Impeachment in Parliament, in the present Method, was the Tryal of the Earl of *Strafford*; and the Commons declared and insisted, *they had a Right to be present at the Tryal, as an House, or a Committee of the whole House, as they thought fit; and that they held it necessary and fit, that all the Members of the House should be present at the Tryal, to the end every one might satisfy his own Conscience, in the giving his Vote to demand Judgment.* In the Case of the Lord Viscount *Stafford*, the like Accommodation was never disputed; but in that of the Smugglers it was; and the Lords would have distinguish'd betwixt an Impeachment for High Crimes and Misdemeanors, and for High-Treason. Which the Commons answer'd, shewing, That the different Nature of those Crimes related only to the Punishment, and did not alter and change the Nature of the Court. And by the Strength of this and other Arguments

which

which may be ſeen in the Reports of the Conferences and free Conferences entred on their Journals, they did, at laſt, prevail.

On the 6th of *February*, A Meſſage from the Lords by Mr. *Gery* and Mr. *Hiccocks*, That the Lords had commanded them to acquaint the Houſe, that their Lordſhips have ordered the Lords with White Staves, humbly to move Her Majeſty from their Houſe, that She will be pleaſed to give Order for a Place to be prepared in *Weſtminſter-Hall*, for their Lordſhips to proceed upon the Tryal of *Henry Sacheverell*, Doctor in Divinity, who now ſtands impeach'd before their Houſe.

The next Day, the Lords receiv'd a Meſſage from Her Majeſty, That Her Majeſty would give Order for a Place to be prepared in *Weſtminſter-Hall*, for their Lordſhips to proceed upon the Tryal of *Henry Sacheverell*, Doctor in Divinity, who now ſtands impeach'd before their Houſe.

On the 8th, A Meſſage from the Lords by Mr. *Medlycot*, and Mr. *Fellows*, That they were commanded by the Lords to acquaint the Houſe, that Her Majeſty hath given Order, that a Court be prepared in *Weſtminſter-Hall*, for the Tryal of Dr. *Henry Sacheverell*; which will take up ſome Time; and that, therefore, the Tryal cannot be at the Time appointed, but that as ſoon as the Place is prepared, the Houſe ſhall have Notice of the Day of Tryal.

On the 10*th* the Commons *Ordered*, That the Managers appointed to make good the Articles of Impeachment againſt Dr. *Henry Sacheverell*, have Power to ſend for Perſons, Papers, and Records. And

That Mr. *William Borret* be appointed Solicitor to the ſaid Managers, for proſecuting the ſaid Impeachment.

Serjeant *Prat*, and Mr. *Raymond*, having declined being Council for Dr. *Henry Sacheverell*, the Lords, upon his Petition, *Feb*. 15*th*. aſſign'd him Mr. *Dee*, Mr. *Dod*, and Dr. *Heuchman*, for his Council; as alſo Sir *Symon Harcourt*, and Mr. *Phipps*, before allowed by their Lordſhips; and Mr. *Huggins* his Solicitor.

The Lords on the 18*th* of *February*, appointed the 27*th* of the ſame Month for the Tryal of Dr. *Sacheverell*; on which Day, and the following Days, a great Concourſe of People attended him from his Lodgings at the *Temple*, to *Weſtminſter*, and at his Return, with great Acclamations and Shouts of, *God bleſs the Queen, God preſerve the Church of* England, *and Dr.* Sacheverell; with ſome Imprecations on the *Whigs* and *Diſſenters*, whom they called the *Doctor's* Enemies; ſtopping alſo Perſons in their Coaches and Chairs in the Streets, forcing them to pull off their Hats to the *Doctor*: After this, follow'd great Tumults and Diſorders every Evening, the Mob pulling down Meeting-Houſes, and threatning a certain Prelate's Houſe, (as he inform'd the Lords) calling him *the Preſbyteri-*

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an B——p. A Complaint was made in the House of Commons of these Riots. And, thereupon on the 2*d.* of *March* it was *Resolved*, That an humble Address be presented to her Majesty, That she will be graciously pleased to take effectual Measures to Suppress the present Tumults, set on foot and fomented by Papists, Non-Jurors, and other Enemies to her Majesty's Title and Government; and to Issue her Royal Proclamation, promising a Reward to such as shall discover and seize those Incendiaries, as have been the Occasions of the late Tumults and Disorders.

No Member, in the least, justify'd these Tumults; and all professed a Readiness to concur in an Address for the suppressing them; but desired the Address might be so framed, in such general Words, that it might pass unanimously. They excepted to those Words, *Set on foot and fomented by Papists, Non-Jurors, and other Enemies to her Majesty's Title and Government*; because it did not appear, any Papists or Non-Jurors were concerned in them, but if they would be particular, it was moved *Republicans* might be added.

There was a Debate upon adding that Word; in which, a certain Gentleman argued against it, *because it was not to be imagin'd, they would be for pulling down their own Meeting-houses.*

The House divided upon the Word *Republicans*, Yea's 114, No's 279.

The same Day, Mr. Secretary *Boyle* reported to the House, That he had attended her Majesty with their Address. To which her Majesty had been pleased to give this very gracious Answer.

HER Majesty is extreamly sensible of the great Care and Concern of the House of Commons, for the Publick Peace, upon this Occasion; and as Her Majesty has a just Resentment at these Tumultuous and Violent Proceedings; so She will take immediate Care for suppressing them; and will lose no Time in endeavouring to find out the Authors and Abettors, in Order to bring them to Punishment: And to that Purpose, will cause a Proclamation to be publish'd, according to the Desire of this House.

Resolved, Nemine Contradicente,

That the humble Thanks of this House be return'd to Her Majesty, for her most gracious Answer to their said Address.

Ordered, Nemine Contradicente,

That a Committee be appointed to draw up an Address upon the said Resolution.

And a Committee was appointed accordingly.

And

And they were ordered immediately to withdraw into the Speaker's Chamber, to draw up the ſaid Addreſs.

Sir *Thomas Parker* reported the Addreſs, which he drew up himſelf, and was as follows.

The humble ADDRESS of the Houſe of Commons to the QUEEN.

Moſt Gracious Sovereign,

WE your Majeſty's moſt dutiful and loyal Subjects, the Commons of Great-Britain, in Parliament aſſembled, out of a deep Senſe of the repeated Inſtances of your Majeſty's unparallel'd Goodneſs, beg Leave to return our moſt hearty Thanks for your moſt gracious Anſwer to our humble Addreſs, and for your effectual Care in ſuppreſſing thoſe rebellious Tumults, which were ſet on Foot and fomented by Papiſts, Non-Jurors, and other Enemies to your Majeſty's Title and Government, in Defiance of the juſt Proſecution of the Commons againſt Dr. Henry Sacheverell.

And we muſt humbly beſeech your Majeſty to believe, that as this Proſecution proceeded only from the indiſpenſable Obligation which we, your faithful Commons, looked upon ourſelves to lie under, not to ſit ſtill and patiently ſee the Juſtice of the late happy Revolution, and the Glory of our late Royal Deliverer reflected upon, your Majeſty's undoubted Title ſtruck at, your Adminiſtration, by which ſo many Bleſſings are derived upon us, endeavoured to be render'd odious to the People, and repreſented as Deſtructive of the Church and Conſtitution, the preſent Eſtabliſhment and Proteſtant Succeſſion unermin'd, the Reſolutions of Parliament treated with Contempt, the Governors of the Church, and your Majeſty as Supreme, aſperſed and viliſied, the Toleration expoſed as Wicked, and Sedition inſolently invading the Pulpit.

So the Maintenance of your Majeſty's Right, the Safety of your Perſon, the Quiet of your Government, the Continuance of our Happineſs under your excellent Adminiſtration, the Succeſſion in the Proteſtant Line, the Support and Honour of the Church of England *as eſtabliſh'd by Law, with that Toleration which is by Act of Parliament allowed to Proteſtant Diſſenters, ſhall be our conſtant Care and Concern: And we will, upon all Occaſions, venture all that is dear to us, in Defence of ſuch ineſtimable Bleſſings.*

Some Exceptions were taken to the Addreſs; and it was moved, That it might be Recommitted, becauſe the Committee had exceeded their Commiſſion, which was only to return Her Majeſty Thanks for Her moſt gracious Anſwer. And in the

the laſt Paragraph, there was a Promiſe, to venture all that was dear to them, in Defence of the *Toleration*, as well as of the Church of *England*. This was ſaid to be putting them upon an equal Foot, which as many Gentlemen could not think proper, and never intended; for tho' they ſhould be always willing to maintain the Toleration, yet they would not venture ſo much for that, as for the Church of *England*. But all theſe Exceptions were over-rul'd.

The Lords having on the 18th of February *appointed the 27th of the ſame Month for the Tryal of Dr.* Henry Sacheverell, *their Lordſhips proceeded from their own Houſe to the Court erected in* Weſtminſter-Hall, *in the following Order,*

Firſt came The Lord Chancellor's Gentlemen, two and two. And next, The Clerks of the Houſe of Lords, and two Clerks of the Crown in the Courts of *Chancery* and Queen's Bench. The Maſters in Chancery, two and two. The Judges. The Peers eldeſt Sons, and Peers Minors, two and two. The Yeoman Uſher of the Houſe. The Gentleman Uſher of the Black-Rod. The Peers, two and two, beginning with the youngeſt Barons. The Sergeant at Arms carrying his Mace. One of the Heralds. The Lord Chancellor alone.

Then, the Lords being ſeated in the Place prepar'd for them in *Weſtminſter-Hall*; the Commons in a Committee of the whole Houſe in the Seats provided for them, and the Managers for that Houſe being at the Bar, the Serjeant at Arms made the following Proclamation.

Oyez! Our Sovereign Lady the Queen, doth ſtrictly charge and command all manner of Perſons to keep Silence, upon Pain of being Impriſoned; and then made Proclamation for *Henry Sacheverell*, Doctor in Divinity, to come forth.

Then the Doctor came to the Bar and knelt, his Council being Sir *Simon Harcourt*, Mr. *Dodd*, Mr. *Phipps*, Mr. *Dee*, and Doctor *Henchman* ſtanding by him; and he riſing by Order of the Lord Chancellor, the Serjeant at Arms made Proclamation again to this Effect, *viz.* Oyez! That Whereas a Charge of High Crimes and Miſdemeanors had been brought by the *Houſe of Commons*, in the Name of themſelves and all the Commons of *Great-Britain*, againſt *Henry Sacheverell*, Doctor in Divinity, all Perſons concern'd were to take Notice, That he then ſtood upon his Tryal, and they might come forth in Order to make good the ſaid Charge.

Then the *Lord Chancellor* told the Doctor that, it was needleſs to give him any Directions concerning his Behaviour during the Time of his Tryal, or the ordering his Defence, becauſe the Lords had not only allow'd, but aſſign'd him the Council he

desir'd, both of the Civil, and Common-Law, who wou'd be well able to direct, and advise him, not only in the Substance but Form of his Defence. The Lords had also made an Order for summoning all such Witnesses as he had desir'd to appear for him. And that he might be the better able to provide for his Defence, he had his Liberty granted on the first Application for it, and giving Security for his Appearance; and that he also had all the Time he thought fit to desire, in Order to prepare for his Defence. So that he ought to remember, that their Lordships have us'd him with all the Indulgence he could reasonably expect.

Then the Clerk was Directed by the Lord Chancellor to read the Articles of Impeachment, the Doctor's Answer, and the *House of Commons* Replication, as before recited, which was accordingly done. And then Mr. *Attorney General* spoke first, to this effect, to their Lordships.

That he was Commanded by the House of Commons, in behalf of all the Commons of *Great Britain*, to make good the Impeachment against the Prisoner at the Bar, Doctor *Henry Sacheverell*.

That the Misdemeanors he stood accused of were specify'd in the Articles which had just then been read to their Lordships, and the Facts there charged were Laid to have been done with a Wicked, Malicious, Seditious Intention, to Undermine and Subvert Her Majesty's Government, and the Protestant Succession as by Law established, to Defame her Majesty's Administration, to Asperse the Memory of His late Majesty King *William*, to Traduce and Condemn the late happy Revolution, to Contradict and Arraign the Resolution of both Houses of Parliament, to create Jealousies and Divisions amongst Her Majesty's Subjects, and to incite them to Sedition and Rebellion, and then told their Lordships; if the Charge was made good (as he was apt to think it would) he might presume to say no Words could either aggravate or alleviate the Offence.

That the Proofs in this Case would arise from Evidence which could not be liable to the Imputation of being over-aw'd by the Weight of the Prosecutors, or corrupted, or perverted; for his Charge should be from his own Mouth, and his own Words and Sermons, they should convict him.

He cou'd with Truth say, that it was no small Trouble to the Commons of *Great Britain*, to have that Occasion of coming in that Manner before their Lordships: Could they have satisfy'd themselves that Her Majesty's Honour, the Safety of Her People, and the Protestant Succession as by Law establish'd, were not highly concerned to bring that Man to speedy Justice, they could very willingly have spar'd their Lordships that Trouble.

But when they consider'd of what Import it was to the Nation, how much it concern'd the very Being of our Constitution, to Discountenance and put an End to such Sort of Seditious Proceedings as the Doctor and some others of his Brethren had been lately practising in divers Parts of the Kingdom, they could not think otherwise than that it was a Matter fit for the grand Inquest of the Nation to take Notice of; and finding it to be a Cause of so great Moment to the Publick, they judg'd it fit to be taken under their own Management, and not trust it to the Decision of any Inferior Tribunal. And, that it was agreed that their Lordships were the only proper Judges, when the whole Commons of *Great Britain* found it necessary to be the Prosecutors; nor could Doctor *Sacheverell* have any just Cause to complain of that Manner of Proceeding, when it gave him so publick an Opportunity of Defending himself (if his Innocence could clear him;) and what could he desire more, when he lay under so heavy an Accusation, than to have their Lordships for his Judges, who had already shewn their great Indulgence to him, by allowing him (as a Noble Lord from the Woolpack just then observ'd) all the Advantages a Man under his Circumstances could ask, or desire to have.

That the Prosecution took its Rise from a Complaint that had been made in the House of Commons the 13*th* of *December* last, of two Books which were lately Printed and Published under the Name of Doctor *Henry Sacheverell:* The Books being delivered in, several Paragraphs read, and by divers Passages, too many for him then to Enumerate to their Lordships, it did plainly appear that both Books did contain very Scandalous and Seditious Matter, highly reflecting upon the Queen and Her Administration.

Whereupon the Doctor had been ordered to attend; which he did accordingly the next Day, and at the Bar of the Commons House own'd and avow'd both Books to be his, That they were Sermons that he himself had Preach'd, and that he had caused them to be Printed and Published.

After such a Confession their Lordships might imagine Her Majesty's Dutiful Commons did express their just Resentments of the great Wrong and Injuries that were done to Her Majesty, and all that were in Authority under Her, and immediately ordered that Impeachment.

That their Lordships would perceive, by Perusal of the Sermons and Epistles Dedicatory, that the Design and Drift of the same was to possess the People with strange Notions, and terrible Apprehensions of the Danger they were in by a General Male-Administration of the Publick Affairs both in Church and State.

That both those Sermons were Preach'd upon Publick Oc-

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casions, and had, since the Printing thereof, been handed about with more than ordinary Application.

That one of those Books was entitled [*The Communication of Sin*] being a Sermon preach'd at the Assizes held at *Derby*, in *August* last; and because the Doctor thought he had not said enough against the Queen and Her Government in the Sermon, he affix'd a Dedication to it, wherein he affirm'd, That the Principles of our Church and Constitution were shamefully betray'd and run down; that both were persecuted, on the one Side by rude and presumptuous Insults, and base undermining Treachery on the other, and that this Persecution was carry'd on by associated Malignants.

The other Sermon had been Preach'd at St. *Pauls*, *London*, on the Fifth of *November*, a Day set apart for a general Thanksgiving for two very great Deliverances vouchsafed to this Nation, by the Discovery of the Gunpowder Plot, and the Arrival of His late Majesty King *William* to Redeem us from Popish Tyranny and Arbitrary Power.

That when their Lordships came to hear that Sermon read, he was confident it must appear very strange, to find that when there were two such memorable Occasions for the Doctor to have set forth his Eloquence in a Thanksgiving Sermon, he should, in great measure have pass'd by both the Businesses of the Day, and entertain'd his Audience with a long Harangue of the deplorable Condition the Church was in, not so much from Papists, the avow'd Enemies of the Church, as from her pretended Friends, as he call'd them, the False Sons of the Church, who were crept into her Bowels, and shew'd themselves to be perfidious Brethren, by defending Toleration and Liberty of Conscience, and favouring the Dissenters.

And to shew his little Liking of the great Work which had been begun on that Day by the Arrival of his late Majesty, the chief Turn of his Discourse was to cry up Non-Resistance and Passive-Obedience.

And to make it most Evident, that what he said of Non-Resistance had been to cast black and odious Colours upon the Revolution, he laid down a general Position, *That it is not lawful, upon any Pretence whatsoever, to make Resistance to the Supreme Power*; which Supreme Power, by other Passages, he explain'd to be the Regal Power.

And being apprehensive that every one that heard him Talking in that manner against Resistance, would see plainly he was Censuring and Condemning the Means that brought about the Revolution, and being desirous to cast as heavy Reflections as he could upon the Memory of King *William*, he asserted, *That the Prince of* Orange *in his Declaration utterly disclaim'd all manner of Resistance.*

That every Body who knew any thing of the Revolution, must

muſt know that the Prince of *Orange* came over with an Arm'd Force, and that in ſeveral Paragraphs of his Declaration, (the Doctor ſpoke of) *His late Majeſty invited and requir'd all* Peers *of the Realm, both Spiritual and Temporal Lords, all Gentlemen, Citizens, and other Commoners, to come in and aſſiſt him, in order to the executing that Deſign he had then undertook againſt all that ſhould endeavour to Oppoſe him.*

Therefore it muſt have been accounted very ridiculous for the Doctor to advance ſuch a Poſition, if he had no farther Meaning in it, than to give an Account of the Prince of *Orange*'s Deſign in coming over into *England*.

And this would make it neceſſary for their Lordſhips to conſider what was the true Meaning of that Aſſertion; was it not plainly to make the Prince of *Orange* ſay one thing, and at the ſame time do directly another? And could this be done with any other Deſign, than to aſperſe the Memory of the late King *William*?

Then as to his Diſcourſe concerning Paſſive-Obedience and Non-Reſiſtance, in ſuch Latitude as was there mention'd, what could it tend to but to caſt Reflections upon that Reſiſtance which had been the Means to bring about the Revolution.

For was there any Occaſion at that time to be ſo earneſt to cry down Reſiſtance, and preach up Paſſive-Obedience?

Could any one pretend to ſay there were any Symptoms of Diſcontent throughout the Nation, in any Parts thereof?

No: To their Comfort, no Reign, no Age, no Hiſtory could give a better Account of the good Diſpoſitions of the People to their Sovereign. Therefore ſince the Preaching thoſe Doctrines had been needleſs, it ſavour'd of ſome wicked Deſign to be talking ſo unſeaſonably of that Subject.

If what the Doctor very frequently aſſerted in that Sermon were true, *That all were Falſe Sons of the Church who aſſiſted in bringing about the Revolution, or that join'd in the Oppoſition that have been made to the Encroachments begun by evil Miniſters in the Reign of King* James *the Second, againſt their Religion and Liberties*, the Doctor ſhould a little conſider how far his Character of a *Falſe Brother* might be carry'd.

That every Body who liv'd in thoſe Days knew, that the Body of the Clergy of the Church of *England* had made a noble Stand againſt the Encroachments which were then making, and appear'd as Active as any of the Laity.

And had it not been by their Writings, Preaching, and Example, that the Nobility and Gentry were Animated to maintain and defend their Rights, Religion and Liberties? And as an undoubted Monument that ſuch had been the Senſe of the whole Kingdom at the Time of the Revolution, it was entred into the Journal of the Houſe of Commons on the Firſt of *February*, 1688,

That the Unanimous Thanks of the House was given, Nemine Contradicente, *to the Clergy of the Church of* England, *for the great Services they had done their Religion and Country, by the Opposition they had made to the Execution of the Ecclesiastical Commission, and their refusing to read the King's Declaration for a Toleration, which was then Founded upon the dispensing Power.*

And how had the Arch-Bishops receiv'd the Message sent them upon that Occasion, for them to Communicate that Resolution to the Clergy in their respective Dioceses?

The Journals told them, that Mr. *Levison Gore* had the next Day acquainted the House of Commons with his attending the two Arch-Bishops, according to Order, with the Thanks of the House; and that Arch-Bishop *Sancroft*, and the then Arch-Bishop of *York*, return'd their Thanks to the Commons for themselves, and in behalf of all their Clergy, for their favourable Vote.

That their Lordships and the Commons were then happy enough to be thought favourable to the Clergy of the Church of *England*; and yet those very Commons were the Men who pass'd the Toleration Act for exempting Protestant Dissenters from the Penalties of certain Laws, as one of the most necessary Acts for the Good of the Kingdom.

And had they not been encourag'd to go about that Charitable Work, by the Petition of the Seven Bishops presented to King *James*, wherein they acquainted him, *That it was not for Want of a due Tenderness to Dissenters which made them refuse reading his Declaration for Toleration to Dissenters, in relation to whom they were willing to come to such a Temper as should be thought fit, when the same came to be Consider'd in Parliament.*

But when the same had been Consider'd in Parliament, and the Toleration Settl'd and Establish'd by the Legislative Authority of the Kingdom, and Ratify'd and Approv'd of in this Reign, by Her Majesty and both Houses of Parliament; Doctor *Sacheverell* belike disapprov'd of it, and was pleas'd to tell them in a most extraordinary Manner, *That a Man must be very weak, or something worse, that thought or pretended the Dissenters where to be gain'd by any other Grants and Indulgences, than giving up the whole Constitution; and he that receded the least Tittle from it, to satisfy and ingratiate with those Clamorous, Insatiable, Church-devouring Malignants, knew not what Spirit they were of.*

After such an ample Declaration of his Opinion, what fatal Consequences would attend the granting Indulgences to Dissenters? Could the Doctor imagine that his saying, in his Answer to the Articles, *That he intended not to cast the least invidious Reflection upon that Indulgence the Government had* condi-

condescended to give them, would take off the hard Censures he had pass'd upon Dissenters?

If an Arch-Bishop, who had been Dead almost a Hundred and twenty Years could not be permitted to rest quiet in his Grave, without having foul Aspersions cast upon his Memory, *as being a false Son, and a perfidious Prelate of the Church*, for interceding (as Doctor *Sacheverell* said) with Queen *Elizabeth* for the Dissenters in those Days: What could the now Arch-Bishops and Bishops of the Church expect from Doctor *Henry Sacheverell*, if they did not thunder out their Ecclesiastical Anathema's against Dissenters, as often as the Doctor should think there was occasion for them?

He Perceiv'd the Doctor hop'd to salve all he had said against Toleration to Dissenters, by a nice Distinction he had hit upon between an Indulgence and a Toleration.

Therefore he told your Lordships, *that, upon the most diligent Inquiry, he had not been able to inform himself that a Toleration had been granted by Law.*

How could the Doctor pretend to say, that the Word Toleration had never been made use of to express the Religious Liberty and Indulgence granted and allow'd to Dissenters? If there wanted Authorities to Justify the Use of the Word, after the Doctor had made use of it, in the same Sense over and over, in many Passages in his Sermon, as would be taken Notice of by the Gentlemen that were to make good the second Article, the Doctor might be put in mind, that Her Majesty in Her Speech from the Throne, on the 17th of *December*, 1705, had been pleas'd to declare, *That she would inviolably Maintain the Toleration.*

That as the Time was most Unseasonable for the Preaching such Doctrines, so the Place had been very Improper for a Lecture of Politicks: For their Lordships did perceive that latter Sermon, preach'd on the Fifth of *November* last, had been preach'd in the Great Metropolis of the Kingdom, before the Lord-Mayor, Aldermen, and Citizens of *London*; from whose steady Loyalty to Her Majesty, and firm Affections to the Revolution, such vast Sums had been contributed for carrying on the long War against *France*, which had prov'd so Fatal to the *French* King, and other Enemies of the Kingdom.

And what more likely to give a fatal Wound to the Publick Credit at that Time, than such Doctrine which tended to the Overthrow of all the Acts of Parliament made in Support of the Constitution.

And how strange an Attempt had it been for the Doctor to Preach against the Revolution and the Government, before those Citizens who ow'd the Restoration of their Charters, and all their Franchises and Immunities, to it.

But, that to do Juſtice to the Doctor, he in his Anſwer deny'd he hath ſaid any thing of the Means which brought about the Revolution.

And if their Lordſhips could believe him, he ſaid, *He had endeavour'd to Vindicate the Revolution from the black and odious Colours the Enemies of the Revolution would throw both upon that and his late Majeſty.*

To what End and Purpoſe then were thoſe Doctrines Preach'd with ſo much Vehemence at that Time, unleſs it were to reflect backwards upon what had been done at the Time of the Revolution?

There was certainly no Occaſion to Preach Non-Reſiſtance to Her Majeſty's Loyal and Dutiful Subjects, who had never ſhewn the leaſt Inclination to give Diſturbances to the preſent Government.

He aſk'd, Whether there had ever been ſo Univerſal an Agreement in all Ranks and Degrees in the Nation? Whether every one did not almoſt ſtrive to ſhew their Zeal and Affection for Her Majeſty and Her Government? If there were any leſs quiet than their Neighbours, they would be found amongſt the Friends of Doctor *Sacheverell*, who were profeſſedly no Friends to the Revolution. Nothing being more certain, than that all who were not ſatisfy'd with what had been done at the Time of the Revolution, muſt be Enemies to the preſent Eſtabliſhment; and 'twas from that Source all thoſe Declamations againſt Men of Character and Station both in Church and State did proceed.

But he would have the Doctor conſider, that there were Laws to puniſh Spreaders of falſe News and horrible Stories of the Great Men and Great Officers of the Kingdom; and 'twas to put a Stop to thoſe malicious Practices then on Foot, that he was then brought to the Bar as a Delinquent.

That when they had read their ſeveral Proofs, which would Juſtify every Particular charg'd on the Doctor in the Articles of Impeachment, the Commons would not doubt of their Lordſhips Judgment againſt that Defendant.

After Mr. *Attorney-General*, Mr. *Lechmere* told their Lordſhips,

That he was commanded to Aſſiſt in ſtating to them the Grounds of the Charge of the Commons, and the Nature and Tendency of the Crimes then before them in Judgment.

That an Impeachment of the Commons of *Great Britain* had been open'd to them; The Subjects of both Nations had an equal Concern in that which was the Ground of it; They were happily united in this Proſecution, and the common Intereſt of their Lordſhips, and all of them was inſeparable in its Event.

That

That no more needed to be ſaid to their Lordſhips of the Greatneſs of that Cauſe, not for the Perſon of the Offender, but for the high Importance of thoſe Matters which he had preſum'd to draw in Queſtion.

The Commons, on their part, had been exceeding careful, in every Step of that Proceeding, that it ſhould receive a Deliberation ſuitable to the *Weight of the Cauſe*, and the *Dignity of the Commons*; and they obſerv'd it to their Lordſhips, with great Satisfaction, That by their ready Concurrence no Difficulties had ariſen to delay or diſcourage their Impeachment: They aſcrib'd it to a Deſire in their Lordſhips, equally with themſelves, to cultivate a good Correſpondence on ſo important an Occaſion, and to that due Regard, their Lordſhips ſhew'd to the Courſe of Impeachments, *the ancient Right*, and *great Security* of the Commons.

In framing their Charge, the Commons had thought fit, by a Preamble to their Articles, to lay before them the Grounds of their Accuſation, in Terms the moſt cogent and expreſſive; to the end, their Lordſhips might have early and perfect Notice of the Points, on which the Commons intended to proceed; That their Lordſhips, and the whole Kingdom, might know the unanimous and hearty Zeal of the Commons to aſſert the Juſtice of the late happy Revolution, and the Foundations of Her Majeſty's Government and Adminiſtration; and that the *Judgment* of the Commons, on that weighty Occaſion, might ſtand *fully on the Records of Parliament*, and be *tranſmitted to all Poſterity*.

Their Lordſhips would obſerve, in reading their Evidence, many Things excepted to by the Commons, precedent to the Ground of their firſt Article; but you would ſoon perceive that all Parts of the Deſign of the Priſoner center'd in that: They could not therefore have acquitted themſelves, had they not made that their Foundation; Being firmly convinc'd, they never could have the Honour and Juſtice of that glorious Work too much at Heart, nor be too Jealous of thoſe who under any Pretences, *tho' never ſo ſpecious*, *ſhould attempt* to leſſen it: And when they conſider'd the certain Dependance the Juſtice of the late Revolution it ſelf muſt have upon he Steps that led to it, they could not doubt but their Lordſhips would think him equally Criminal, who condemn'd the Means by which it had been effected.

He ſaid, *The neceſſary Means* (the Phraſe us'd by the Commons in their firſt Article) were Words made choice of by them *with the greateſt Caution*. Thoſe Means were deſcrib'd, in the Preamble to their Charge, to have been, That glorious Enterprize, his late Majeſty had undertaken with an arm'd Force, to deliver this Kingdom from Popery and Arbitrary Power; the Concurrence of many Subjects of the Realm, who

came over with him in that Enterprize, and of many others of all Ranks and Orders, who had appear'd in Arms in many Parts of the Kingdom, in Aid of that Enterprize.

That thoſe were the Means which brought about the Revolution, and which the Act paſs'd ſoon after, declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown, intended, when his late Majeſty was therein called *the glorious Inſtrument of delivering the Kingdom*; and which the Commons, in the laſt part of their firſt Article, expreſs'd by the Word *Reſiſtance*.

But the Commons, who would never be unmindful of the *Allegiance* of the Subjects to the *Crown* of this Realm, had judg'd it highly incumbent upon them, out of regard to the Safety of Her Majeſty's Perſon and Government, and the Ancient and Legal Conſtitution of this Kingdom, to call that Reſiſtance, The *Neceſſary Means*. Thereby plainly founding that Power, and Right of Reſiſtance which had been exercis'd by the People at the Time of the happy Revolution, and which the Duties of Self-preſervation and Religion call'd them to, upon the Neceſſity of the Caſe, and at the ſame time effectually ſecuring Her Majeſty's Government, and the due Allegiance of all Her Subjects.

Their Lordſhips would find, That the Priſoner, in his Sermon preach'd at St. *Pauls*, had aſſerted a Doctrine in direct Defiance and Contradiction of that Reſiſtance us'd to bring about the Revolution, when he affirm'd the utter Illegality of Reſiſtance, on any Pretence whatſoever, to be a Fundamental of the Conſtitution; and, as their Lordſhips would hear it fully made out from the Proofs by thoſe Gentlemen to whom that Part was aſſign'd, he had alſo plainly declar'd himſelf, that even that Reſiſtance us'd at the Time of the late happy Revolution was not to be excepted out of his fundamental Rule.

That when a Preacher of the Goſpel, and a Miniſter of the Church of *England*, even under the then happy Eſtabliſhment, ſhould thus publickly condemn the Foundations on which it ſtood, in Defiance of Her Majeſty and the great Council of the Nation then ſitting in Parliament, it becomes an indiſpenſible Duty upon them, who appear'd in the Name and on the Behalf of all the Commons of *Great Britain*, not only to demand their Lordſhips Juſtice on ſuch a Criminal, but clearly and openly to aſſert their Foundations.

He crav'd Leave to remind their Lordſhips of the Condition of Things in both Kingdoms, immediately preceding the late Revolution; The Caſe he ſaid was ſtated and recorded, between the late King *James* and the Subjects of both Kingdoms, in the ſeveral Declarations of the Rights of both Nations made by them at that Time;

That

That he would forbear to aggravate the Miſcarriages of that unhappy Prince, further than by ſaying, That it was declar'd in the Preamble to the Bill paſs'd in *England*, *That by the Aſſiſtance of Evil Counſellors, Judges and Miniſters, employ'd by him, he did endeavour to ſubvert and extirpate the Proteſtant Religion, the Laws and Liberties of the Kingdom, in the ſeveral Inſtances there enumerated:* And in that paſſed in the Kingdom of *Scotland* it ſtood declared, *That, by the Advice of Evil Counſellors, he did invade the Fundamental Conſtitution of that Kingdom, and alter'd it from a Legal limited Monarchy, to an Arbitrary Deſpotick Power.*

Their Lordſhips, on that Occaſion, might again conſider the ancient Legal Conſtitution of the Government of this Kingdom, from which it would evidently appear to them, that the Subjects of this Realm had not only a Power and Right in themſelves to make that Reſiſtance, but lay under an indiſpenſable Obligation to do it.

The Nature of their Conſtitution being that of a limited Monarchy, wherein the Supreme Power was communicated and divided between Queen, Lords and Commons, tho' the Executive Power and Adminiſtration were wholly in the Crown. The Terms of ſuch a Conſtitution did not only ſuppoſe, but expreſs an Original Contract, between the Crown and the People, by which that Supreme Power had been [by mutual Conſent, and not by Accident,] limited and lodg'd in more Hands than one; and the uniform Preſervation of ſuch a Conſtitution for ſo many Ages, without any fundamental Change, demonſtrate the Continuance of the ſame Contract:

That the Conſequences of ſuch a Frame of Government were obvious; that the Laws were the Rule to both, the common Meaſure of the Power of the Crown, and of the Obedience of the Subject; and if the Executive Part endeavour'd the Subverſion, and total Deſtruction of the Government, the Original Contract was thereby broke, and the Right of Allegiance ceaſed; that Part of the Government, thus fundamentally injur'd, having a Right to Save or Recover that Conſtitution, in which it had an Original Intereſt.

And, the Nature of ſuch an Original Contract of Government prov'd, that there was not only a Power in the People, who have inherited that Freedom, to Aſſert their own Title to it, but they were bound in Duty to tranſmit the ſame Conſtitution to their Poſterity.

That it was miſpending their Lordſhips Time to Illuſtrate that particular, which was an Eternal Truth, eſſential to the Government it ſelf, and not to be defaced, or deſtroy'd, by any Force or Device. For it appear'd from every Branch of the Government, That the Rights of the Crown of *England* were Legal Rights, and its Power ſtated and bounded by the Laws

of the Kingdom, That the Executive Power and Administration it ſelf was under the ſtricteſt Guard, for the Security of the People, And that the Subjects had an Inheritance in their ancient fundamental Conſtitutions, and the Laws of the Land, That being the Tenor of all Antiquity, Hiſtories and Records affording innumerable Proofs of it; and when their Lordſhips look'd back on the Hiſtory of *Magna Charta* alone, they could not doubt of the Senſe of their Anceſtors, that they were Maſters of Franchiſes that were truly their own, and which no Earthly Power had Right to extort from them: Many other Valuable Relicts, of inconteſtable Authority being loſt then by their Popiſh Anceſtors, as Proofs of the Freedom of their Conſtitution, of the conſtant Claims they made, both in and out of Parliament, to their Inheritance in their Laws, againſt the Incroachment of Arbitrary Power; and when the *laſt Extremity* had call'd them to it, they had never fail'd to vindicate them by the Arms of Reſiſtance.

That ſuch had been the Genius of a People, whoſe Government was built on that noble Foundation, not to be bound by Laws to which they did not Conſent; *that, muffled up in Darkneſs and Superſtition, as their Anceſtors were, yet that Notion ſeem'd engraven on their Minds, and the Impreſſions ſo ſtrong, that nothing could impair them.*

That, upon the Reformation of Religion, when all Foreign Power had been aboliſhed, and the Supremacy of the Crown reſtor'd to its height by many Acts of Parliament, their Lordſhips would always find Declarations at the ſame time made, of the Rights of the People, particularly that of the 25th of *Henry* VIII. where 'twas ſaid, That *the Realm of* England *is free from any Man's Laws, but ſuch as have been deviſed, made and ordain'd within the ſame, for the Wealth of it, or ſuch other as the People of the Realm have taken at their free Will and Conſent, and by long Uſe have bound themſelves to, as the Ancient Eſtabliſh'd Laws of the Realm*, and none otherwiſe.

He doubted not their Lordſhips would conſider thoſe Laws, made at that time, to be freſh and remarkable Declarations, and Ratifications, of the Original Contract.

That Excellent Conſtitution of the Government, having, thro' many Struggles been preſerv'd from that Time till then, and the true Spirit of the *Engliſh* Nation ſtill kept alive, down to the Times of the late happy Revolution; At which time the Danger being Imminent, not only to the Laws and Liberties of the Kingdom, but to the Proteſtant Religion, *The Ancient Virtue of the* Engliſh *Nation had exerted itſelf, and ſhone Out in its full Luſtre, in that Glorious Work.*

That the many Laws paſs'd ſince, more particularly thoſe for the Settlement of the Crown and Succeſſion, were ſo many repeated Declarations of their late Majeſty's, and Her Majeſty

then

then on the Throne, together with the Repreſentative Body of the Nation, in Confirmation of their Ancient Conſtitution; Nay, they had higher Teſtimonies to appeal to, the many glorious Succeſſes with which God Almighty had bleſſed the Arms of Her moſt Sacred Majeſty, employ'd in Defence of the Arms of Reſiſtance, were ſo many Teſtimonies from Heaven in their Vindication.

Their Lordſhips might take Notice on what Grounds the Doctor continu'd to aſſert the ſame Poſition in his Anſwer. But was it not moſt evident, that the General Exhortations to be met with in the Homilies of the Church of *England*, and ſuch like Declarations in the Statutes of the Kingdom, were meant only as Rules of the Civil Obedience of the Subject to the Legal Adminiſtration of the Supreme Power in ordinary Caſes? And it was equally abſurd to conſtrue any Words in a poſitive Law to authorize the Deſtruction of the whole; as to expect that King, Lords and Commons ſhould, in expreſs Terms of Law, declare ſuch an ultimate Reſort as the Right of Reſiſtance, at a time, when the Caſe ſuppos'd, that the Force of all Law was ceas'd.

But the Commons thought he had, by his Anſwer, highly aggravated his Crime, by charging ſo pernicious a Tenet, as that of abſolute unlimited Non-Reſiſtance, to be a Fundamental Part of the Government, and by aſſerting that as the Doctrine of the Church of *England*.

That it was a great Reproach to the Excellency of the Conſtitution, to impute ſuch Principles to it as inevitably infer'd its Deſtruction; and an equal Diſhonour to the Crown of the Realm, the great Glory of which was to be ſet over and govern a Nation of Free-born Subjects, the meaneſt of which had an Inheritance in the Government and the Laws equal with the greateſt.

They likewiſe eſteem'd it an high Reflection on Religion it ſelf, and the Church of *England*, to charge its pureſt Doctrines with ſuch Conſtructions, by which all Irreligion and Oppreſſion would be Authoriz'd.

That, the Commons muſt for ever conſider themſelves under the ſtrongeſt Obligations of Gratitude to their great Deliverer, to aſſert the Honour and Juſtice of that Reſiſtance, by which he had reſcu'd an Oppreſs'd People from inevitable Deſtruction; and thought they ſhould not deſerve the Name of Subjects of *Great Britain*, or the leaſt Bleſſing of ſo good a Government, if at that time before their Lordſhips, and for ever after, they did not aſſert, in the moſt ſtrenuous manner, the Honour and Juſtice of that Reſiſtance which had brought about the late happy Revolution. And upon that Foundation it was, that they doubted not but their Lordſhips would in a

Parliamentary

Parliamentary way fasten a Brand of indelible Infamy on that enslaving Tenet by which it hath been condemn'd.

He declar'd, He would take up less of their Lordships Time on the following Articles.

That, The Commons esteem'd the Toleration of Protestant Dissenters to be one of the earliest and happiest Effects of the late Revolution, wisely calculated for the Support and strengthening the Protestant Interest, the great End of the Revolution it self.

They remember'd, with the highest Gratitude to Her Majesty, Her Royal Resolution declar'd from the Throne, to preserve it inviolably; and they observ'd their Lordships, that it appear'd to them, from a Report on their own Journals of a Conference between both Houses, on the Bill against *Occasional Conformity* (not meant to enlarge the Liberties of Protestant Dissenters) That the Persecution of Protestants was, in the Preamble to that Bill, declar'd *to be the contrary to the Christian Religion, and the Doctrine of the Church of* England, *and that the Act of Toleration ought to be kept inviolably*; and the Commons found no Exception then taken by their Lordships to that Declaration, but on the contrary, many Expressions from both Houses, highly extolling the Policy and good Effects of that Law.

Their Lordships would perceive, from the Evidence of the Commons, many plain Declarations of the Prisoner in Maintenance of that Article; but offer'd it to their Lordships, as a further Evidence, that the Doctor most shamefully arraign'd the Memory of a Prelate, Eminent for his Zeal to the Protestant Religion, for his compassionate Intercessions with Queen *Elizabeth*, in favour of Dissenting Protestants; a Reflection plainly meant by him to cast an Odium on the Act of Toleration, and on the then Fathers of the Church, so Eminent for their Charity and Moderation; and from the Applauses he gave to the Severities shown by that Queen, he Illustrated the Calumny thrown by him on Her present Majesty, and Her Approbation of the Toleration: Their Lordships might please duly to consider the Malignity of Expressions meant to condemn so good a Law, then standing in its full Force, and to encourage the Unchristian Principles of Persecution.

That the latter Part of the second Article was founded on the Legal Supremacy of the Government in Matters Ecclesiastical, by which all Ecclesiastical Jurisdiction, by the Ancient undoubted Laws of the Kingdom, had been made Subject to the civil Power.

The Prisoner, in Terms very unbecoming, having struck at that Essential Part of the Constitution, in those Words, wherein, after having perswaded the Superior Pastors of the Church

to

to thunder out their Anethema's againſt Proteſtant Diſſenters, *He defy'd any Earthly Power to reverſe ſuch Sentences.*

The reſtoring the Legal Supremacy of the Crown, he told their Lordſhips was the Effect of the Reformation of Religion in this Kingdom; and that the Abuſe of that Power, to the apparent Danger and Deſtruction of the Church of *England*, in the Inſtance of the late illegal Eccleſiaſtical Commiſſion, remain'd condemn'd by the Bill of Rights.

But the Commons crav'd Leave to obſerve, that the Independant Power, or Juriſdiction of the Church, or of Eccleſiaſtical Judges, being the Doctrine advanc'd by the Priſoner, was not leſs dangerous; as it ſtood in utter Defiance and Contradiction of *Magna Charta*, and the Laws of the Land; was deſtructive of the Legal Supremacy of the Crown and Legiſlature, a Violation of the Oath of Supremacy, contrary to the Principles of the Reformation, and the Doctrine and Intereſt of the Church of *England*, of which he was a Member.

That the Commons were ſtrengthen'd in their Concern for the Legal Supremacy, when they call'd to mind Her Majeſty's Letter to his Grace of *Canterbury* of the twenty fifth of *February* 1705, for Proroguing the Convocation, wherein Her Majeſty had been pleas'd to declare Her conſtant Care and Endeavours to preſerve the Conſtitution of the Church of *England* as by Law Eſtabliſh'd, and Her Reſolution to preſerve the Supremacy, as being a Fundamental Part of it: And upon thoſe Conſiderations they had an abſolute Aſſurance of an equal Regard on their Lordſhips Part, to a Matter of ſo great Importance.

Their Lordſhips might obſerve the third Article to be included within the general Charge of the fourth: But, the Commons being ſenſible, with how diſtinguiſh'd a Malice the Subſtance of that Charge was level'd by the Priſoner, againſt the Honour of Her Majeſty and the two Houſes of Parliament, they had thought it their Duty to Her Majeſty to lay that before their Lordſhips in a diſtinct Article, for their particular Conſideration and Judgment.

And when their Lordſhips reflected on the late heavy Cenſure, which the Queen and both Houſes ſo juſtly laid on the Authors of the like groundleſs Slander, they would think that the Priſoner, had reviv'd and avow'd the ſame, from an Inveterate pride, to ſignalize his Enmity to Her Majeſty and both Houſes, and in the moſt publick Manner to inſult the Honour of the Queen and Legiſlature at that ſame Time that he was endeavouring to ſubvert their Foundation.

That the Commons would ever ſhew the utmoſt Jealouſy for the Safety and Honour of Her Majeſty's Perſon, and muſt always eſteem it their peculiar Concern to vindicate every Attempt that ſhould be made againſt it; and aſſur'd their Lord-

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ſhips they could not be forgetful of that ſignal Regard Her Sacred Majeſty had ſhew'd to the Church of *England*, at the Time of the late Revolution, Of that conſtant Uniform Zeal She had expreſs'd for it from that Day forward, That perpetual Monument of Her Royal Bounty to the Clergy of the Church of *England*, to the Diminution of Her own Revenue, nor of Her Royal Care for the perpetual Eſtabliſhment of its Diſcipline and Worſhip, in making it a Fundamental and Eſſential Part of the Union of the two Kingdoms: Theſe Things they eſteem'd an Abſolute Security, that Her Royal Protection and Affection for the Church of *England* could never fail.

They doubted not of their Lordſhips particular Notice of the Parallel mention'd in that Article, by which their Lordſhips would collect the Inveteracy of the Deſign, from the Odiouſneſs of the Compariſon.

That in the fourth Article, the Commons had laid before their Lordſhips many Charges, which tho' of different Conſiderations, yet all conduc'd to the main Charge of the Commons; As tending to undermine Her Majeſty's Government, and to raiſe Sedition and Rebellion.

And their Lordſhips would find, from many and pregnant Proofs ſupporting the ſaid Article, That Her Majeſty's Adminiſtration, whereby She had juſtly gain'd the Affections of all Her true Subjects, was repreſented by the Priſoner as deſerving the utmoſt Odium and Contempt of Her People;

That the Civil and Religious Rights of Her Subjects, which Her Majeſty had protected with the Tenderneſs of a moſt indulgent Mother, were betray'd by thoſe to whom She had committed the Care of them, and that they were in a Condition more Calamitous, than at that time, when Superſtition and Tyranny were ready to have ſwallowed them up.

Their Lordſhips would find him labouring to perſwade the People, that the Condition of Peace and Proſperity, which the good Government of Her Majeſty had ſecured to Her Kingdom, was a State of utter Diſtraction and Confuſion, wherein all Religion and Diſorder was not only unpuniſh'd but encouraged:

Nor would their Lordſhips wonder to find a Perſon, who had thus ſet himſelf to weaken the Title of Her Majeſty to the Throne, repreſenting Her Adminiſtration like that of one who had no Title at all:

And from that ruinous and almoſt irretrievable Poſture of Affairs, their Lordſhips would find him conſidering himſelf as a peculiar Meſſenger, appointed and call'd out to open the Eyes of the deluded People, and to undeceive a Nation thus abuſed: Which he had done, not in the Words of Meekneſs and Peace, not by exhorting them to the Exerciſe of the ſubmiſſive Doctrines of Paſſive Obedience and Non-Reſiſtance,

but

but assuring them he did not come to preach Peace, but to sound a Trumpet; and endeavouring to excite such true Sons of the Church as were of his Persuasion, to recover, defend, and maintain, with their Lives and Fortunes, their invaded Rights, and such Doctrines as he had thought fit to deliver to them.

Mr. *Lechmere* added, He took Liberty to acquaint their Lordships, that the Commons conceiv'd, that the Laws and Statutes of the Realm, and the Order and Peace of Government, necessarily enjoyn'd it as a Duty upon all private Subjects, to represent their Sense of the Nation's Grievances in a Course of Law and Justice, and not otherwise; and whenever the Oppressions became National and Publick, They claim'd it as the peculiar Right of their own Body, to pursue the evil Instruments of them, 'till publick Vengeance were done; and at the same time, the Commons assur'd their Lordships, that they would account their indispensable Duty to Her Majesty, and their Country, to Assert the Justice and Wisdom of Her Administration, against the Enemies of both.

Having thus Stated to their Lordships the Nature of this Cause, he perswaded himself, they perceiv'd therein many Points of the highest Moment to the Peace and Welfare of the Kingdom.

The Tendency of the Crimes the Prisoner stood accus'd of, lying Open and Apparent? But he yet begg'd their Patience, to draw the Scene a little closer.

Their Lordships would consider the Necessary Consequence of a Position, meant and expounded so as to perswade the World, that the glorious Work of the Revolution had been the Fruit of Rebellion, and the Work of Traitors: Did it not declare the late Reign to have been one continu'd Usurpation? And under what better Circumstances did it bring the present?

Could the Act of Toleration be condemn'd, with any other Tendency, than to weaken so great a Support of the Revolution it self? And he entreated their Lordships, to consider the certain fatal Effects of an universal Dissatisfaction of the People, in Things that concern'd them nearest, the Safety of the *Church of England*, and the Protestant Interest, and the Security of themselves and their Posterity.

He granted, That, consider'd at a distance, there seem'd a Repugnancy in that Gentleman's System. How came it to pass, that absolute Non-Resistance and the Spirit of Rebellion stood so well together, and were made so suitable, in the same Discourse?

But, if their Lordships should discern, in any Part of the Doctor's Sermon, any dark Hints, or disguis'd Opinions of a *Sole Hereditary Right of Succession* to the Crown, that would shew the true Consistency of the whole; and their Lordships would find,

find, that in the Doctor's Opinion, the Duty of Abſolute Non-Reſiſtance was owing to him only that had the Divine Commiſſion to Govern; and from thence, their Lordſhips could not fail of knowing againſt what Queen, what Government, what Eſtabliſhment, he Encourag'd the taking up the Arms of Reſiſtance.

He concluded, He had thus endeavour'd to diſcharge the Truſt repos'd in him by the Commons, and was not unſenſible how far ſhort he had fallen; but he aſſur'd himſelf that the Cauſe could not ſuffer by it, for its own Strength and Vigour would ſupport it at that time, and ſo long, he hop'd, as the Nation endur'd.

Their Lordſhips plainly ſaw, that the Duty of the Commons, which they would always diſcharge, had call'd upon them very loudly, to make Inquiſition on ſo remarkable an Offender as the Priſoner at the Bar.

And it was no leſs plain, they had not acquitted themſelves aright, if they had intruſted the Proſecution of that great Cauſe in any other Hands but their own, or ſuffer'd thoſe Points to have been handled in any place, but in full Parliament; or before any other Judicature, but that of their Lordſhips: And it was with the greateſt Chearfulneſs and Security, that they ſubmitted the Cauſe of the Queen, of the whole Nation, of the Proteſtant Religion, and Proteſtant Succeſſion to the Weight and Wiſdom of their Lordſhips Judgment.

Then *Mr. Attorney General* acquainted the Lords, That there were two Sermons deliver'd into the Houſe of Commons, which he deſir'd might be deliver'd in, and read to their Lordſhips, and that Mr. *Jodrell* would give an Account where he had thoſe Books in his Hands.

Then Mr. Jodrell *was Sworn, and depoſ'd*, That thoſe two Books had been delivered in at the Table of the Houſe of Commons, by one of the Members.

Mr. At. Gen. Put the Queſtion, whether they had been ſhown to Doctor *Sacheverell*, when he Attended the Houſe?

To which, *Mr. Jodrell* anſwer'd, They had been ſhown to him at the Bar of the Houſe.

It was again aſk'd by *Mr. At. Gen.* Whether the Doctor did own them to be his Books, or what he did own about them?

And *Mr. Jodrell* reply'd, He had own'd the Sermon preach'd the Fifth of *November* to be his, and that he directed it to be Printed.

Then that Book was delivered in.

And *Mr. At. Gen.* ſaid, There is another Sermon Preach'd

at

the Aſſizes at *Derby*, which was alſo ſhown him at the Bar, and he own'd it.

The *Lord-Chancellor* aſk'd, what they could ſay as to the Preface of the other Sermon?

Mr. Fodvell anſwer'd, That the Doctor own'd the Dedication of it to be agreeable with the Dedication of that Impreſſion which he order'd to be Printed.

Mr. At. Gen. deſir'd that Dedication might be ſhown to the Doctor, which if he deny'd, they were ready to prove it by the Printer.

But Sir *Simon Harcourt* told the Lords, The Doctor had own'd the Sermon, and the Dedication of both the Sermons, before the Houſe of Commons; and would not give their Lordſhips the trouble of hearing any Proof of them. He Did own them.

Then *Mr. At. Gen.* deſir'd they might be read.

The Clerk read the Dedication of the *Derby* Sermon; and the Dedication and Sermon at St. *Pauls*.

The Dedication of the Derby *Sermon may be ſeen before in the Proceedings of the Houſe of Commons; the Dedication and Sermon at St.* Pauls *are both here omitted, as being in the Hands of all Men already.*

When the Sermon and Dedications were read, the Lords Adjourn'd to their own Houſe.

On *February* the 28th, the Lords being come into *Weſtminſter-Hall*, and ſeated in the Manner beforemention'd, the Serjeant at Arms made Proclamation for Silence; and then for Dr. *Sacheverell* to appear.

The Doctor appearing at the Bar accordingly, with his Council, as before.

The *Lord-Chancellor* told the Gentlemen of the Houſe of Commons, they might proceed in their Evidence.

Then Sir *Joſeph Jekyll* maintain'd the firſt Article of the Charge to this Effect.

He ſaid, Their Lordſhips had the Days before heard the Articles againſt Dr. *Sacheverell*, his Anſwer, and the Commons Replication, read; and the Charge being opened, their Lordſhips likewiſe heard the Doctor's Sermon preach'd at St. *Pauls*, and the Dedication of his *Derby* Sermon; ſo that the Caſe was then fully before them.

That the Part aſſign'd to him, and ſome other Gentlemen, was to maintain the firſt Article of the Commons Charge. The Method he ſhould take would be, firſt, to ſhow the Importance of that Article: Secondly, to clear up and vindicate the Juſtice of the Revolution: And, thirdly, to State the Evidence or Proof of the ſaid Article, which charg'd the Doctor with traducing and condemning the Revolution.

He thought fit to premiſe, that the Commons could not but think it hard, that in that Aſſembly of the *Britiſh* Nation, they ſhould after more than twenty Years Enjoyment of the Benefits ariſing by the Revolution, in that Place, and at that Time, be forced to plead in Vindication of the Juſtice of that Revolution: But ſince they muſt give up their Right to the Laws and Liberties of the Kingdom, or, which was all one, be precarious in the Enjoyment of them, and hold them only during pleaſure, if the Doctrine of unlimited Non-Reſiſtance prevail'd, the Commons had been content to undertake that Proſecution; and they who ſhar'd in the Legiſlature with their Lordſhips, had put themſelves into the Condition of Suiters for Juſtice againſt that Offender, in whom their Lordſhips would find the Reverſe of a true *Britiſh* Subject: For ſuch an one was dutiful and ſubmiſſive to his Prince, and true to the Liberty of his Country; but in that Criminal their Lordſhips would find virulent Faction, and ſlaviſh Submiſſion.

As to the Importance of that Article, their Lordſhips were rightly told the Day before that the whole Charge center'd in that Article. If the Juſtice of the Revolution were eſtabliſh'd, the Toleration would be rejoic'd in by ſome, and acquieſc'd in by all; the Reſolutions of the two Houſes of Parliament would have a juſt Regard ſhown to them; Her Majeſty's Adminiſtration would be no longer defam'd, nor would that unhappy Diſtinction of Parties be capable of being heightned amongſt us. But if the Juſtice of the Revolution, which is our Foundation, were queſtion'd, every thing built on it would in ſome Degree be ſhaken, and Occaſion given for Diſputes and Factions, never to be ended but by a total Subverſion of the Conſtitution.

That as it was ſelf-evident that the Honour of Her Majeſty's Government ſtood upon the Juſtice of the Revolution, ſo did the Peace and Tranquility of it depend upon that alſo. The Commons might appeal to their Lordſhips, and the whole Nation, in this Matter: From what Quarter it was that all that Oppoſition and Obſtruction to the Adminiſtration of the late King, and Her preſent Majeſty had come? Had it not been from thoſe who had queſtion'd the Lawfulneſs of the Reſiſtance made uſe of in the Revolution? Whoſe Purſuit after Power was indefatigable, and to obtain which they would make a willing Sacrifice of the Common Liberty; whilſt others who had a contrary Principle, and were convinc'd of the Juſtice of that Proceeding, had acted a quite contrary Part. Had they not contributed every thing in their Power to ſtrengthen the Government in Her preſent Majeſty's Hands, as well as the late King's, and that with a Zeal and Conſtancy

through

through ſeveral Changes, which nothing but a Principle could inſpire? How much was owing to that Zeal in promoting the Settlement of the Proteſtant Succeſſion, and how little to the contrary Principle, every one that remember'd the State of Things at the End of the late King's Reign could tell. Upon the preſent Queſtion therefore depended their preſent Happineſs, and future Hopes. Had not this Principle of unlimited Non-Reſiſtance been reviv'd by the profeſs'd and undiſguis'd Friends of the Pretender? Had it not been proſecuted, with an unuſual Warmth, ſince his Attempt upon Her Majeſty's Crown? Could the Pretender have any Hopes, but from the keeping alive ſuch Notions? Or could the Queen's Title receive any Advantage from them? Or could it be ſeaſonable to preach this Doctrine in the Reign of the beſt of Princes, which could be of no uſe to any but the worſt?

That in clearing up and vindicating the Juſtice of the Revolution, which was the ſecond Thing propos'd, it was far from the Intent of the Commons to ſtate the Limits and Bounds of the Subject's Submiſſion to the Sovereign. That which the Law had been wiſely ſilent in, the Commons deſir'd to be ſilent in too; nor would they put any Caſe of a juſtifiable Reſiſtance, but that of the Revolution only; and they perſwaded themſelves that the doing Right to that Reſiſtance would be ſo far from promoting popular Licence or Confuſion, that it would have a contrary Effect, and be a Means of ſettling Mens Minds in the Love of, and Veneration for the Laws, to reſcue and ſecure, which had been the only Aim and Intention of thoſe concerned in that Reſiſtance.

To make out the Juſtice of the Revolution, it might be laid down, that as the Law was the only Meaſure of the Prince's Authority, and the Peoples Subjection, ſo the Law deriv'd its Being and Efficacy from common Conſent. And to place it on any other Foundation than common Conſent, was to take away the Obligation the Notion of common Conſent, put both Prince and People under to obſerve the Laws: And upon this ſolid and rational Foundation the Lawyers in all Ages had plac'd that Obligation, as appear'd by all our Law-Books. But inſtead of this, of later Times, Patriarchical and other Fantaſtical Schemes had been framed, to reſt the Authority of the Law upon, and ſo Queſtions of Divinity had been blended with Queſtions of Law; when it was plain, that Religion had nothing to do to extend the Authority of the Prince, or the Submiſſion of the Subject, but only to ſecure the Legal Authority of the one, and enforce the due Submiſſion of the other, from the Conſideration of higher Rewards and heavier Puniſhments: And if that Diſtinction were attended to, it might ſerve to bury the uſeleſs Labours, to ſay no worſe of them,

them, of ſeveral Divines, and others, on thoſe Subjects, in [illegible]livion.

For nothing was plainer than that the People had a Right to the Laws and the Conſtitution. This Right the Nation had aſſerted and recover'd out of the Hands of thoſe who had diſpoſſeſs'd them of it at ſeveral Times. These were two famous Inſtances of it in the Knowledge of the preſent Age, that of the Reſtoration, and that of the Revolution; in both which great Events the Regal Power, and the Rights of the People were recover'd: And it was hard to ſay in which the People had the greateſt Intereſt; for the Commons were ſenſible that there was not one Legal Power belonging to the Crown, but they had an Intereſt in it; and he doubted not but they would always be as careful to Support the Rights of the Crown, as their own Privileges.

That the Conſtitution was wholly loſt before, and recover'd by the Reſtoration, was known to all; and before the Revolution, it was known how Popery and abſolute Power had invaded the Conſtitution. The Regal Supremacy, of ſuch abſolute Neceſſity to preſerve the Peace of the Kingdom, had been diſclaim'd, and the papal Supremacy, by a ſolemn Embaſſy to *Rome*, own'd and acknowledg'd, and no Footſteps left of the Regal Supremacy but that which was worſe than nought, an Illegal High-Commiſſion Court: And at that time the Popular Rights, in almoſt all the Species of them, were invaded. That great Privilege of the People, on which all others depended, that of giving their Conſent to the making new, or repealing old Laws, had been invaded; and a diſpenſing Power, ſuch as rendred all our Laws precarious, and at the Will of the Prince, exercis'd. Thoſe, and many more Acts of abſolute Power, were mention'd in that Act of Parliament, call'd *The Bill of Rights*. It would be to miſpend their Lordſhips Time, to mention all the Inſtances there given: For the whole Tenor of the Adminiſtration then in being, had been agreed by all to be a total Departure from the Conſtitution, the Nation at that time being united in that Opinion, all but the Criminal part of it. And as the Nation join'd in the Judgment of their Diſeaſe, ſo they had done in the Remedy. They ſaw no Remedy left but the laſt; and when that Remedy took place, the whole Frame of the Government had been reſtor'd entire and unhurt. This ſhew'd the excellent Temper the Nation was in at that Time, that after ſuch Provocations from an Abuſe of the Regal Power, and ſuch a Convulſion, no one part of the Conſtitution had been alter'd, or ſuffer'd the leaſt Damage, but on the contrary the whole receiv'd new Life and Vigour.

That as the Doctrine of unlimited Non-Reſiſtance had been implicitly renounc'd by the whole Nation in the Revolution,

ſo

ſo divers Acts of Parliament afterwards had paſs'd expreſſing that Renunciation. He begg'd Leave to read a few Paſſages out of the Laws that were then made: In the Firſt of King *William* and Queen *Mary*, was the Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths. By that Act the Declaration enjoyn'd to be taken by ſeveral Acts in the Time of King *Charles* the Second to this Purpoſe, *That it is not lawful, on any Pretence whatſoever, to take up Arms againſt the King*, was taken away. Then in the ſecond Seſſion of that Parliament was the Act for declaring the Rights and Liberties of the Subject: In that Act Notice was taken that the late King *James* did endeavour to ſubvert and extirpate the Proteſtant Religion, and the Laws and Liberties of the Kingdom, and the particular Inſtances of Male-Adminiſtration were ſet forth; then it declar'd, that that Unhappy Prince had abdicated the Government, and the Throne was thereby vacant; and that it had pleas'd Almighty God to make the Prince of *Orange* the glorious Inſtrument of delivering the Kingdom from Popery and Arbitrary Power. And if the Inſtrument, who brought about that Deliverance, were ſtil'd Glorious, ſurely the Means us'd by him were in Conſequence approv'd and applauded; and his late Majeſty was mention'd as the ſame glorious Inſtrument in the Act for paying the States-General the Charges of his Expedition: And ſurely this was an Approbation of the Means us'd by him, when that Act charg'd the People with Six hundred Thouſand Pounds for thoſe Means, *viz.* the Force he brought along with him. But if it ſhould be thought theſe Words were too general, and did not particularly approve the Reſiſtance at the Revolution, there had come a memorable Occaſion when the Parliament had that Particular under their Conſideration; and that was when they were conſidering whether they ſhould meddle with ſo tender a thing as the taking away the Benefit of the Law from a great many of the Subjects of the Kingdom, which was done by an Act in the ſame Second Seſſion of that Parliament, intitl'd, *An Act for preventing vexatious Suits againſt ſuch as acted in order to the bringing in their Majeſties, or for their Service.* There they took Notice, that at the time of his Majeſty's glorious Enterprize for delivering this Kingdom from Popery and Arbitrary Power, and in Aid and Purſuance of the ſame, divers Lords, Gentlemen, and other good People well affected to their Country, had acted as Lieutenants, Deputy-Lieutenants, Juſtices of the Peace, or other Officers, Civil or Military, tho' not ſufficiently Authoriz'd thereunto, and had Apprehended and put in Cuſtody ſeveral criminous and ſuſpected Perſons, and ſeiz'd and us'd divers Horſes, Arms, and other things, and enter'd into the Houſes and Poſſeſſions of ſeveral Perſons, and Quarter'd and

cans'd to be Quarter'd Soldiers and others there, which Proceedings in Times of Peace and common Safety would not have been warrantable; yet that Act declar'd they were neceſſary in regard of the Exigence of publick Affairs, and ought to be juſtify'd, and provided an Indemnity for thoſe who acted in that Reſiſtance from the Actions that might be brought by their Fellow-Subjects.

That he ſhould conclude this Head with taking Notice of the Form of Prayer, appointed by Royal Authority, for the Fifth of *November*, then doubly memorable; There were in that Form not only Thanks offer'd to Almighty God for the Revolution, but for the Succeſs given to thoſe Means that were us'd to bring about that wonderful Deliverance; what elſe was the Meaning of thanking God for giving his late Majeſty a ſafe Arrival here, and making all Oppoſition fall before him 'till he became our King and Governour?

But notwithſtanding the Juſtice of thoſe Steps that were taken to bring about the Revolution, notwithſtanding the Temper and Prudence ſhewn in the Settlement of it, and the Sanction ſince given to it, not only by the Royal but the whole Legiſlative Authority, Doctor *Sacheverell* had condemn'd the Reſiſtance, (which was the Principal, if not the only Means) by which that Deliverance had been wrought, which was the laſt Thing he propos'd to ſhew to their Lordſhips.

That this Article was divided into three Branches; firſt, the general Charge, *That he Suggeſted and Maintain'd that the Neceſſary Means us'd to bring about the Revolution were Odious and Unjuſtifiable:* The ſecond and third Branches were Particulars of that General, (*viz.*) *That his late Majeſty diſclaim'd the leaſt Imputation of Reſiſtance, and that to impute Reſiſtance to the Revolution, was to caſt black and odious Colours upon his late Majeſty and the ſaid Revolution.*

That to maintain this Article, he would not repeat the particular Words of the Sermon, in order to the Application of them, that being a Province aſſigned to another Gentleman, who would ſpeak after him, but ſhould offer to their Lordſhips what he apprehended to be the clear Senſe and Meaning of thoſe Paſſages in the Sermon which maintain'd that Article. That in the eleventh Page of the Quarto Edition, he lay'd down a general Poſition of the utter Illegality of Reſiſtance, upon any Pretence whatſoever; he ſaid there were ſome who deny'd this Poſition, who were new Preachers and new Politicians, who taught divers Animonarchical and pernicious Doctrines; he went on, and ſaid, they did not only deny this Poſition, but urg'd the Revolution in Defence of their Denial, that is, by producing that as an Inſtance of a juſtifiable Reſiſtance; then he exclaim'd againſt thoſe Men as endeavouring

to caſt Black and Odious Colours on the late King and Revolution, whereas he ſaid the King had diſclaim'd the leaſt Imputation of Reſiſtance by his Declaration, and the Parliament had diſown'd it, declaring they only fill'd a vacant Throne, without taking Notice how it became ſo, and had burnt a Book which alledg'd Conqueſt, becauſe it had that Ingredient of Reſiſtance in it.

That this Extract out of the Sermon made out the firſt Article, which was his condemning the Reſiſtance, by the Commons call'd the Neceſſary Means us'd to bring about the Revolution. For firſt, that general Poſition of his condemn'd Reſiſtance in any caſe whatſoever. Secondly, he introduc'd ſome as denying that Poſition, and faſten'd a vile and odious Character upon them. Thirdly, he made thoſe that deny'd that Doctrine object to it an Authority or Preſident of a lawful Reſiſtance, *viz.* that at the Revolution; but, this he did only to give up the Lawfulneſs of that Reſiſtance, and condemn that as well as any other: For, Fourthly, he anſwer'd this Objection, by denying there had been any Reſiſtance in that Caſe, a Fact as clear as the Sun at Noon day, and which all the Nation had ſeen and rejoyc'd at. He brought the late King and the Parliament to witneſs, againſt any Reſiſtance in the Revolution; and yet had ſhewn by two Quotations out of the Prince of *Orange*'s Declaration, one in his Anſwer, and the other in the printed Sermon, that his late Majeſty had been ſo far from diſclaiming Reſiſtance, that he had avow'd it, and invited the Subjects of this Kingdom to join in that Reſiſtance; for in his Anſwer, he cited that Paſſage in his Declaration, wherein his Majeſty took Notice that he carry'd a Force with him, ſufficient, by the Bleſſing of God, to defend him, from the Violence of Evil Counſellors, and that he deſign'd that Expedition to oblige King *James* to call a free Parliament; and by his Quotation of another Paſſage in the Prince of *Orange*'s Declaration, it appear'd his late Majeſty had been, by divers Subjects of King *James*'s, Invited to and Aſſiſted in that Expedition, which being an Expedition by Force, to oblige that King to call a Free Parliament; had carry'd in it a plain and manifeſt avowing of Reſiſtance. As to what he ſaid in Relation to the Parliament's diſowning any Reſiſtance at the Revolution, by aſſerting that they ſet the Crown on the King's Head, on no other Title than that of the Vacancy of the Throne, that appear'd to be directly otherwiſe from the ſeveral Paſſages in divers Acts of Parliament which he had before mention'd; to which he only added that in the Conference between the two Houſes, previous to the ſettling the Crown on the King's Head, the Word *Abdicated* had been inſiſted upon and carried, for that it included in it the Male-Adminiſtration of King *James*, which the Word *Deſerted* (der-

ſir'd to be us'd inſtead of it) did not; and this appear'd by the Journal. He therefore knowing that there had been Reſiſtance in the Revolution, and the late King and the Parliament had avow'd that Reſiſtance, and he pretending to defend it only by denying thoſe Facts, had by a neceſſary Implication aſſerted, That that Reſiſtance was not an Exception to his general Rule, but ſtood condemn'd by it.

That he would not enter upon the Conſideration of the Doctor's Anſwer to that Article, becauſe he did not know whether his Council would think fit to abide by it, nor would he meddle with any Thing that was proper for the Reply.

The Sum of the whole Proof being this, That the Doctor lay'd down a Doctrine condemning Reſiſtance in all Caſes whatſoever; he made thoſe who deny'd this Doctrine, Aſſerters of Antimonarchical Principles; he took Notice of the Revolution, only to give it up; he admitted that if there had been Reſiſtance in that Caſe, it was as unlawful as any other Reſiſtance; he aſſerted that to be true, which every one knew to be falſe; he ſaid the late King diſclaim'd the leaſt Imputation of Reſiſtance, the Parliament diſown'd it, and that they who ſaid there was any Reſiſtance in it, did caſt Black and Odious Colours on the late King and the Revolution, and conſequently he condemn'd the Reſiſtance us'd to bring about the Revolution, which was the Matter of the firſt Article.

That this was what the Commons rely'd upon, to maintain and make out the firſt Article of their Charge againſt the Criminal at the Bar, and they referr'd the Conſideration of it to their Lordſhips Wiſdom and Juſtice.

Next *Mr. Sollicitor General* acquainted the Lords, That it fell to his ſhare, to ſtate to their Lordſhips the ſeveral Paſſages in the Sermon preach'd at St. *Pauls*, which the Commons rely'd upon as a Proof of the firſt Article; and to ſhew the particular Weakneſs and Inſufficiency of the Anſwer given to the Charge.

The Charge was, That the Gentleman at the Bar did Suggeſt and Maintain, That the neceſſary Means us'd to bring about the late happy Revolution were Odious and Unjuſtifiable; That his late Majeſty in his Declaration diſclaim'd the leaſt Imputation of Reſiſtance; and, That to impute Reſiſtance to the Revolution, was to caſt Black and Odious Colours upon his late Majeſty and the ſaid Revolution.

That the Paſſages upon which the firſt Article was founded, were in the eleventh and twelfth Pages of the Sermon, where Doctor *Sacheverell* having firſt aſſerted, *That the grand Security of our Government, and the very Pillar upon which it ſtood was founded upon the ſteady Belief of the Subjects Obligation to an abſolute and unconditional Obedience to the Supreme Power in all things Lawful, and the utter Illegality of Reſiſtance upon*

any

any Pretence whatsoever, which, He said had been lately exploded and ridicul'd, *went on in these Words:*

Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence; but certainly they are the greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour to cast such black and odious Colours upon both: How often must they be told, that the King himself solemnly disclaim'd the least Imputation of Resistance, in his Declaration; and that the Parliament declar'd that they set the Crown on his Head upon no other Title but that of the Vacancy of the Throne; and did they not unanimously condemn to the Flames that infamous Libel that would have pleaded the Title of Conquest, by which Resistance was suppos'd?

That the Commons apprehended those Words to be a full Proof of the Assertions charg'd in the first Article, for as much as Resistance had been the necessary Means us'd to bring about the Revolution,

And the Doctor expressly affirm'd in that Place, that the King disclaim'd the least Imputation of Resistance; he asserted it as a Thing notorious, which no Body could be a Stranger to; he said, the King disclaim'd it solemnly, he disclaim'd it in his Declaration.

And he as plainly affirm'd, That to impute Resistance to the Revolution, was to cast Black and Odious Colours upon his late Majesty and the Revolution; for he first lay'd down the utter Illegality of Resistance upon any Pretence whatsoever, as a Fundamental Doctrine; and then acquainted his Auditory, that his Adversaries thought they could effectually stop his Mouth, and had him sure and unanswerable *On this Point*, when they urg'd the Revolution in their Defence; but that they were the greatest Enemies to the King and to the Revolution, who endeavour'd to cast such *Black and Odious Colours upon Both.*

That *this Point* which he said his Adversaries thought they had him sure and unanswerable upon, was plainly the Point of Resistance, which he had asserted to be illegal upon any Pretence whatsoever; and others, he said had deny'd, and had urg'd the Revolution in their Defence.

And the urging of the Revolution in that case, as an Instance of the Legality of Resistance, in Opposition to his general Doctrine, was what he call'd casting Black and Odious Colours upon the King and the Revolution, for his Argument ran thus; All Resistance is utterly Illegal, the King disclaim'd the least Imputation of Resistance, the Parliament set the Crown upon his Head upon no other Title than that of the Vacancy of the Throne, and burnt a Book because it asserted a

Title

Title by which Resistance was suppos'd, and therefore to impute Resistance to the Revolution, is to cast *Black and Odious Colours* upon his late Majesty and Revolution.

This, Mr. *Sollicitor General* proceeded to tell their Lordships, was the Force of the Doctor's Reasoning, and the plain and obvious Sense of that part of the Paragraph, and therefore fully made out the Charge of his asserting and maintaining, that to impute Resistance to the Revolution, was to cast Black and Odious Colours upon his late Majesty and the said Revolution.

That he came next to consider the Answer the Doctor made to that Article, which he divides into three parts.

And first, he deny'd that he did Suggest and Maintain, that the necessary Means us'd to bring about the happy Revolution were Odious and Unjustifiable; and said, That he did not affirm in any part of that Sermon any thing concerning the necessary Means us'd to bring about the happy Revolution; the said Henry Sacheverell *being so far from Reflecting on his late Majesty or the happy Revolution, that he endeavour'd in that Sermon to clear the Revolution, and his late Majesty, from the Black and Odious Colours which their greatest Enemies had cast upon Both.*

The material Part of the Answer to that Branch of the Article was, That he deny'd his maintaining that the necessary Means us'd to bring about the Revolution were Odious and Unjustifiable, and his affirming any thing concerning those necessary Means. But that this was no more than saying that he had affirm'd nothing by the Words *Necessary Means:* And 'twas very true that the Words *Necessary Means* were not us'd in any part of the Sermon; But no Body would say that 'twas requisite to Charge the Assertion in the very Words.

And therefore if Resistance had been necessary, and the Means us'd, in that extraordinary Case of the Revolution, he had asserted the Means to be Odious and Unjustifiable, tho' he had done it in other Terms, and by Words more particular and express.

And as to that Part of the Article whereby he was charg'd with Suggesting and Maintaining, That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance:

He acknowledged himself to have made that Suggestion; but said, he made it not in Dishonour, but in Vindication of his Majesty; the Resistance he represented the King to have Disclaim'd, being such a Resistance as tended to the Conquest of this Realm; for which he refer'd to that part of the Declaration, Printed at the bottom of the eleventh Page in the Sermon; and upon that Ground he observ'd, that there these other Passages in the Declaration ——We have thought fit to go over to England, and to carry over with us a Force sufficient, by the Bless-

sing

ing of God, to defend our ſelves from the Violence of evil Counſellors.——We think fit to declare, that this our Expedition is intended for no other Deſign than to have a free and lawful Parliament Aſſembled.

That in that part of his Anſwer Doctor *Sacheverell* admitted he made the Suggeſtion charg'd upon him, in the ſame Words us'd in the Article; but defended himſelf by alledging, that the Commons had miſtaken his Meaning.—— He meant only, that the King Diſclaim'd a Reſiſtance which tended to Conqueſt.

Whereas it was clear and plain, that the Words had no ſuch limited or reſtrain'd Senſe, and that the Meaning he would then put upon them was a meer Shift and Evaſion; for the Propoſition was General, The King Diſclaim'd the leaſt Imputation of Reſiſtance: And the uſe he made of it ſhew'd that his Meaning was General as his Words; for he was Replying upon thoſe who urg'd the Revolution in Anſwer to his general Poſition, That Reſiſtance is utterly illegal upon any Pretence whatſoever; and how did he anſwer the Caſe of the Revolution, or was it poſſible to be anſwer'd, but by ſaying, that there was no Reſiſtance at all in the Revolution; the King, who was principally concern'd in it, diſclaiming the leaſt Imputation of Reſiſtance?

The Queſtion was ſtated upon Reſiſtance in general; whether Reſiſtance in any Caſe, or upon any Occaſion, were lawful.

And therefore, if the Lawfulneſs of Reſiſtance in any Caſe were allow'd, 'twas impoſſible that his general Aſſertion ſhould ſtand; and 'twas equally impoſſible to get clear of the Objection, without denying the Reſiſtance.

That Doctor *Sacheverell* had been aware of that, and therefore deny'd there was any Reſiſtance at all in the Revolution, and ſaid, That the leaſt Imputation of it was ſolemnly diſclaim'd and diſavow'd.

For had he ſaid, in expreſs Terms, that the King diſclaim'd all Imputation of Reſiſtance that tended to Conqueſt, that would have been no Anſwer to the Objection: For if there was any Reſiſtance, tho' not the particular Reſiſtance which the King diſclaim'd; and if that Reſiſtance which was us'd were agreed to be lawful, his fundamental Doctrine muſt certainly have been ſhaken: And therefore, if their Lordſhips ſuppos'd him to make any uſe at all of that Aſſertion, his Words plainly ſpoke his Meaning, and repreſented the King to have diſclaim'd all Reſiſtance whatſoever.

But he excus'd the making that Suggeſtion, by declaring, *That He made it not in Diſhonour but in Vindication of His Majeſty; and therefore whether he was miſtaken or not in expreſſing himſelf, as if the late King had diſclaim'd all Imputation of Reſiſtance, when he meant thereby, that the late King*

diſclaim'd

diſclaim'd the Imputation of a Deſign of Conqueſt, he humbly conceiv'd ſuch a Suggeſtion, plainly deſign'd for the Honour of the late King, could not in any reaſonable Conſtruction be thought a Reflection upon his ſaid late Majeſty, or deem'd any high Crime or Miſdemeanor.

That, Had thoſe Words been ſpoken in Vindication of his late Majeſty, the Commons, who had ſo much at Heart the Honour of the late King, and the Juſtice of the Revolution, had never charg'd them upon that Gentleman as a Crime.

But they carry'd with them the higheſt Reflection upon the Honour and Juſtice of his Majeſty; as ſuppoſing *that* he deny'd the Lawfulneſs of Reſiſtance when he was actually engag'd in it, and diſclaim'd the leaſt Imputation of Reſiſtance when he brought over an Army on purpoſe to maintain that Reſiſtance, to which all the People of *England* were invited and encourag'd by his Declaration.

And that Aſſertion, of the King's diſclaiming all Reſiſtance, could never have been meant in Vindication of his Majeſty from any Imputation of a Deſign of Conqueſt; there being no Occaſion for vindicating the King upon that Point, the Subject Matter of the Diſcourſe not leading him to it; for the Buſineſs of the Sermon, or of that particular Paragraph, was not to vindicate the Honour of the King from any ſuch Aſperſion, or to maintain the Liberties of *England*, by aſſerting, that the Conſtitution of Government ſtill remain'd, and was not broken and diſſolved by Conqueſt at the Revolution: For had that been his Ground, his Miſtake had been more excuſable; becauſe then it had been proper to have urg'd that there was no Step taken towards the Revolution, which look'd like a Deſign of Conqueſt; and that the arm'd Force us'd in it, and which had the Appearance of ſuch a Deſign, was not intended to conquer; for the King, who commanded it, diſclaim'd all Imputation of Reſiſtance that tended to Conqueſt. Upon ſuch a Queſtion thoſe things had been very properly urg'd, and there might have been ſome Indulgence to a general Expreſſion, that in any Propriety of Speech could have receiv'd ſuch a Meaning.

But when the Queſtion was not, Whether the Revolution was brought about by Conqueſt, or what would be the Conſequence of ſuch an Aſſertion, either in regard to the Honour of the King, or the Condition of the People, there could be no Colour for ſaying that he meant by that general Expreſſion, carrying no ſuch Meaning in it ſelf that the King diſclaim'd Conqueſt, or a Reſiſtance which tended to Conqueſt only.

Eſpecially, when the Subject Matter of his Diſcourſe naturally led him to aſſert that Propoſition in the common and ordinary Senſe which the Words imported: For he was aſſerting Doctrine of abſolute Non-Reſiſtance, and ſhewing, that the Lawfulneſs of the Revolution was no Argument againſt it;

and

and why? Because the King disclaim'd the least Imputation of Resistance, there was no such wicked Ingredient as Resistance in it; no other Answer would have serv'd him, and therefore it could never be supposed that he meant to clear the King from any Design of Conquest, or intended to say any thing in Vindication of his Majesty upon that Head.

Besides, It was an apparent Scandal upon the Memory of the late King, to say there was any Occasion to clear him from that Imputation; his Actions speaking the Justice and Sincerity of his Intentions; his Business being not to conquer and enslave, but to deliver us from Popery and Slavery, the most dreadful Calamities that could befal us, and to settle and establish our Constitution both in Church and State. This being the Ground of the Glorious Enterprize he undertook, and the general Aim and Design of all his Labours thro' the whole Course of his Reign.

It was therefore plain, in his Opinion, that what Doctor *Sacheverell* said in his Answer, in Excuse of his Assertion, relating to the King's disclaiming all Imputation of Resistance, was rather made to the Dishonour, than in Vindication of his Majesty; there being no Colour to suggest that he needed any such Vindication or Defence.

And that the King did not disclaim all Imputation of Religion was evident, even from that part of his Declaration which was cited in the Answer, whereby *He declared to the People (to encourage them to join with him) that he had brought over a sufficient Force to defend himself from the Violence of evil Counsellors.* —— *And that his Expedition was design'd to have a free and lawful Parliament assembled, which was a plain Force upon the Executive Power that was directed by those evil Counsellors, who by subverting the Liberties of Corporations, and practising upon the Freedom of Elections, never intended that any such free or lawful Parliament should be assembled.*

This was plain Resistance in the Sense that Doctor *Sacheverell* took the Word, and so far from a Justification, that there was no Colour to say, that his Majesty disclaim'd the least Imputation of Resistance.

As to the last Branch of the Article, whereby he was charg'd that he suggested and maintain'd, *That to impute Resistance to the Revolution, was to cast black and odious Colours upon his Majesty and the said Revolution, he deny'd that he suggested or maintain'd any such Position.*

But this Negative was fully answer'd by what had been offer'd to their Lordships upon the first Head of that Article, his asserting that the necessary Means us'd to bring about the Revolution were odious and unjustifiable; for if Resistance were utterly illegal upon any Pretence whatsoever, and there had

had been Resistance in the Revolution, it necessarily follow'd, that to impute Resistance to the Revolution was to cast black and odious Colours upon it: And this was expresly asserted by his stating the Case of the Revolution, in which there had been Resistance, as an Objection to his general Doctrine of Non-Resistance upon any Pretence whatsoever; and then answering this Objection, by saying, That the urging of the Revolution, as an Instance of the Legality of Resistance, was casting black and odious Colours upon his late Majesty and the late Revolution: For no black or odious Colours could have been cast but from the shaking that fundamental Doctrine of Absolute Non-Resistance, the Belief of which he asserted to be the Pillar upon which the Government of *England* stood.

And therefore the imputing of Resistance to the Revolution must, according to the Principle by him lay'd down, have cast black and odious Colours upon the Revolution, and upon the great and glorious Instrument of it, his late Majesty by whom it has been happily brought about.

And Doctor *Sacheverell* himself, by the subsequent part of his Answer; seem'd to think that this Assertion was fairly and plainly inferr'd from the Tenor of his Discourse.

For he was pleas'd to excuse it, by saying, *That he intended to apply it not to such Persons as imputed Resistance to the Revolution, of whom he affirm'd nothing; But to those new Preachers, and new Politicians, who taught in Contradiction both to the Gospel and the Laws, that the People had the Power invested in them, the Fountain and Original of it, to cancel their Allegiance at their Pleasure, and call their Sovereign to account for High-Treason against his Subjects, and who urg'd the Revolution in Defence of such Principles; and that, unless those who imputed Resistance to the Revolution, were the same with those new Preachers and new Politicians, he affirm'd nothing concerning them.*

But, this part of his Answer was far from excusing or extenuating his Crime; for if a Proposition were true, it would lose nothing of its Weight and Force, tho' the vilest Man upon Earth should make use of it; and it could be no Argument against a true Principle, that it had been made use of to ill Purposes, and to maintain Positions which were not warranted by it: It was farther an Aggravation of his Crime, and a high Reflection upon the Commons, and the Justice of their Proceeding, to suppose that any such wicked Consequence as he mention'd could possibly be inferr'd from defending the Resistance at the Revolution: And the Question was, whether Doctor *Sacheverell* himself asserted, that to impute Resistance to the Revolution was to cast black and odious Colours upon it; and not, *of whom* he affirm'd the casting such black and odious Colours.

Mr.

Mr. *Solicitor General* went on to the laſt part of the Doctor's Anſwer to that Article, where he ſaid, *That upon the ſtricteſt Search into his ſaid Sermon preach'd at St.* Pauls, *he did not find that he had given the leaſt colourable Pretence for the Accuſation exhibited againſt him in the ſaid firſt Article, but barely by his aſſerting the utter Illegality of Reſiſtance to the Supreme Power upon any Pretence whatſoever; for which he conceiv'd he had the Authority of the Church of* England, *which had taught and inculcated that Doctrine in her Homilies.*—— And he did farther inſiſt, *That his Aſſertion was agreeable to and warranted by the Common-Law of* England, *and divers Acts of Parliament ſtill remaining in full Force.*

To which the ſaid Mr. *Solicitor General* reply'd, That it muſt be agreed there was no colourable Pretence to Charge him with Suggeſting and Maintaining that the Reſiſtance us'd at the Revolution was Odious and Unjuſtifiable, if the Doctrine of the utter Illegality of Reſiſtance upon any Pretence whatſoever were true; for upon that Principle his Cenſure was juſt, and it would neceſſarily follow, that the Reſiſtance us'd in bringing about the Revolution was not to be maintain'd.

And therefore the Commons ſhould have thought themſelves ungrateful for the Deliverence, if they had not vindicated the Honour of the late King, and of thoſe Illuſtrious Perſons, who upon his Invitation defended the Conſtitution at that Time by Reſiſtance, and declar'd that Reſiſtance was Lawful, Honourable and Juſt.

They had Reaſon to hope, that after ſo many Years paſs'd in a happy Enjoyment of all the Advantages of a Free-born People, and at a Time when the Subjects of this Kingdom were in the full Poſſeſſion of their Rights and Liberties under Her Majeſty's Gracious Protection, and the wiſeſt and happieſt Adminiſtration that *England* ever ſaw, that no Body could have been ſo wicked as to caſt an Odium upon the neceſſary Means whereby thoſe Bleſſings had been obtain'd, and were continu'd to us: But ſince, notwithſtanding our bleſſed Deliverance from Popery and Arbitrary Power, and the Benefits we enjoy'd by reſtoring the Conſtitution both in Church and State, and above all, by Her Majeſty's happy Adminiſtration, which had improv'd the Luſtre of the Crown to the Honour of the Nation, and the common Benefit of every particular Subject, yet there were Men of turbulent Spirits, Enemies to the Revolution, who were continually urging the Reſiſtance then us'd as a Fundamental Error, fatal to every Thing that had been built upon it; this ſtruck ſo directly at the preſent Eſtabliſhment, that the Commons thought it their indiſpenſable Duty to demand their Lordſhips Judgment upon that important Subject.

And

And they thought it the more neceſſary at that Time, becauſe it was plain and obvious to every ones Obſervation, that ſince the late Attempt made by the Pretender, that Principle of the utter Illegality of Reſiſtance upon any Pretence whatſoever had been eſpous'd and maintain'd with more than ordinary Warmth and Zeal; and the Commons apprehended it could have no other Aim or Tendency than to blacken the Revolution, and thereby to ſhake the Foundations of the preſent happy Settlement.

He therefore deſir'd their Lordſhips would, in their great Wiſdom, conſider the Conſequences of that Aſſertion, in regard to Her Majeſty, the Proteſtant Succeſſion, and the future Happineſs of the Kingdom.

He told them, the Commons muſt always reſent, with the utmoſt Deteſtation and Abhorrence, every Poſition that might ſhake the Authority of that Act of Parliament, whereby the Crown was ſettled upon Her Majeſty, and whereby the Lords Spiritual and Temporal, and Commons, did in the Name of all the People of *England*, moſt Humbly and Faithfully ſubmit themſelves, their Heirs and Poſterities, to Her Majeſty, which that general Principle of Abſolute Non-Reſiſtance muſt certainly ſhake.

For if the Reſiſtance at the Revolution had been illegal, the Revolution ſettled in Uſurpation, and that Act could have no greater Force and Authority than an Act paſs'd under a Uſurper.

And the Commons took leave to obſerve, that the Authority of that Parliamentary Settlement was a Matter of the greateſt Conſequence to maintain, in a Caſe where the Hereditary Right to the Crown was conteſted; for Her Majeſty's moſt bitter and implacable Enemies, the Friends of the Pretender, (who all aſſerted the utter Illegality of the Reſiſtance us'd at the Revolution) could advance his Title to the Crown, and call him King, upon no other Ground than the Pretence of an Hereditary Right.

The Commons therefore, out of the moſt profound Duty and Allegiance they ow'd and ſhould ever pay to Her Majeſty, and to maintain the Security of Her Government, and guard Her Throne againſt every Inſinuation that might promote or favour the Intereſt of the Pretender, thought themſelves oblig'd to take Notice of that Aſſertion, as tending to weaken the Authority of that Act of Parliament, whereby Her Majeſty's Title was declar'd.

He deſir'd their Lordſhips would likewiſe conſider of what Conſequence the Diſhonouring of the Revolution might be to Poſterity, and the future Happineſs of the Kingdom in a Proteſtant Succeſſion to the Crown. For by the ſame Act all Perſons who ſhould hold Communion with the See of *Rome*,

or ſhould marry *Papiſts*, were declar'd uncapable to Inherit, Poſſeſs or Enjoy the Crown. And it was Enacted, that the Crown and Government ſhould from time to time deſcend to, and be enjoy'd by, ſuch Perſons being *Proteſtants*, as ſhould have Inherited and Enjoy'd the ſame, in caſe ſuch Popiſh Princes had been naturally Dead.

And the immediate Proteſtant Succeſſion in the Illuſtrious Houſe of *Hannover*, in default of Iſſue of Her Majeſty, was likewiſe ſettled by an Act of the ſame Reign.

That this ſhew'd of what Importance it was, to the preſent and future Happineſs of this Kingdom, to clear his late Majeſty and the Revolution from thoſe Black and Odious Colours which that Gentleman had caſt upon Both.

But that the Doctor made it part of his Defence, that his Aſſertion was agreeable to the Common Law of *England*, and divers Acts of Parliament ſtill remaining in Force.

That the Gentleman who ſpoke before him, had ſhown how far that Aſſertion was a direct Contradiction to ſeveral Acts of Parliament, and therefore he would only ſay, that it could never be ſuppos'd that the Laws had been made to ſet up a Deſpotick Power to deſtroy themſelves, and to warrant the Subverſion of a Conſtitution of Government, which they were deſign'd to Eſtabliſh and Defend.

This would have been a ſtrange, abſurd and contradictory Imagination, and had been thought ſo at the Revolution by the wiſeſt Men of that Time, by the beſt Friends to the Monarchy, and Men the moſt Eminent for their Sufferings in the Cauſe of the Church.

And it appear'd, by the ſeveral Inſtances mention'd in the Act declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown, that at the Time of the Revolution there had been a total Subverſion of the Conſtitution of Government both in Church and State, which was a Caſe that the Laws of *England* could never have ſuppos'd, provided for, or had in view.

And the ſame Anſwer might with equal Reaſon be apply'd to the general Doctrine of the Church expreſs'd in her Homilies.

This was what he had to offer to their Lordſhips in Maintenance of the firſt Article; being ſenſible how defective he had been, but what he had fail'd in, would be abundantly ſupply'd by the Gentlemen who were appointed to aſſiſt in maintaining that Article.

Sir *John Holland*, the next of the Managers, repreſented to their Lordſhips, That the preſent Conſideration was of the greateſt Importance; no leſs, than whether ſo many of their Lordſhips and the Commons of *Great Britain*, who had taken

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And they thought it the more neceſſary at that Time, becauſe it was plain and obvious to every ones Obſervation, that ſince the late Attempt made by the Pretender, that Principle of the utter Illegality of Reſiſtance upon any Pretence whatſoever had been eſpous'd and maintain'd with more than ordinary Warmth and Zeal; and the Commons apprehended it could have no other Aim or Tendency than to blacken the Revolution, and thereby to ſhake the Foundations of the preſent happy Settlement.

He therefore deſir'd their Lordſhips would, in their great Wiſdom, conſider the Conſequences of that Aſſertion, in regard to Her Majeſty, the Proteſtant Succeſſion, and the future Happineſs of the Kingdom.

He told them, the Commons muſt always reſent, with the utmoſt Deteſtation and Abhorrence, every Poſition that might ſhake the Authority of that Act of Parliament, whereby the Crown was ſettled upon Her Majeſty, and whereby the Lords Spiritual and Temporal, and Commons, did in the Name of all the People of *England*, moſt Humbly and Faithfully ſubmit themſelves, their Heirs and Poſterities, to Her Majeſty, which that general Principle of Abſolute Non-Reſiſtance muſt certainly ſhake.

For if the Reſiſtance at the Revolution had been illegal, the Revolution ſettled in Uſurpation, and that Act could have no greater Force and Authority than an Act paſs'd under a Uſurper.

And the Commons took leave to obſerve, that the Authority of that Parliamentary Settlement was a Matter of the greateſt Conſequence to maintain, in a Caſe where the Hereditary Right to the Crown was conteſted; for Her Majeſty's moſt bitter and implacable Enemies, the Friends of the Pretender, (who all aſſerted the utter Illegality of the Reſiſtance us'd at the Revolution) could advance his Title to the Crown, and call him King, upon no other Ground than the Pretence of an Hereditary Right.

The Commons therefore, out of the moſt profound Duty and Allegiance they ow'd and ſhould ever pay to Her Majeſty, and to maintain the Security of Her Government, and guard Her Throne againſt every Inſinuation that might promote or favour the Intereſt of the Pretender, thought themſelves oblig'd to take Notice of that Aſſertion, as tending to weaken the Authority of that Act of Parliament, whereby Her Majeſty's Title was declar'd.

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up Arms at the Revolution, and been then thought Patriots of their Country, were really Rebels; whether their late Deliverer was an Uſurper; and whether the Proteſtant Succeſſion was Legal and Valid.

All theſe Conſiderations (he ſaid) depended upon the Lawfulneſs of the Reſiſtance at the Revolution; and that there had been a Reſiſtance was moſt plain, if taking up Arms in *Yorkſhire*, *Nottinghamſhire*, *Cheſhire*, and almoſt all the Counties of *England*; if the Deſertion of a Prince's own Troops to an Invading Prince, and turning their Arms againſt their Sovereign, were Reſiſtance. But if Subjects were oblig'd to *an Abſolute and Unconditional Obedience*, the Convention of the States, the Settlement and Entail of the Crown by them, and the further Settlement in the Proteſtant Succeſſion under that Settlement, muſt, from that Reſiſtance, be unlawful and void.

That the Criminal had been aware of that juſt Objection to his general Doctrine, when apply'd to the Revolution; as appear'd from his Endeavouring, upon ſecond Thoughts, to conceal it by his Marginal Note, to hint, that by *Reſiſtance* he had meant *Conqueſt*. And no wonder he had endeavour'd to colour ſo bold a Stroke, which he could not but expect to hear of, with the utmoſt Reſentment from the Government.

But it ſo fell out, that what he truſted to for a Screen, aggravated the Heinouſneſs of his Crime; for it ſhow'd, that he inſtill'd into his Auditors thoſe Notions from the Pulpit which he durſt not own in Print; for nothing could be more manifeſt, than that he could not by *Reſiſtance* have thought *Conqueſt*, even from his own Expreſſions: For in the very next Period he ſaid, and *did they not*, i. e. the Parliament, *unanimouſly condemn to the Flames (as it juſtly deſerv'd) that infamous Libel, that would have pleaded the Title of* Conqueſt, *by which* Reſiſtance *was ſuppoſ'd?* So that he knew 'em to be diſtinct Notions, and indeed ſo they muſt be, becauſe one might be without the other.

That it had been an unaccountable Preſumption in the Doctor, to ſuppoſe ſo weak a Pretence could paſs upon the World; but much more ſurprizing it was, that he could apprehend ſo mean a Subterfuge could prevent their Lordſhips Juſtice. But from thence the Commons obſerv'd, that he was a conceal'd Man, and of a dangerous Spirit: And as ſuch they had brought him hitherto to Reform him, and to be made an Example to others.

That the Commons would not be underſtood, as if they were Pleading for a licentious Reſiſtance; as if Subjects were left to their good Will and Pleaſure, when they were to *Obey*, and when to *Reſiſt*. No, they knew they were oblig'd by all the Ties of Social Creatures, and Chriſtians, for Wrath and Con-

Conſcience ſake, to ſubmit to their Sovereign. The Commons did not Abet humourſome factious Arms, they averr'd 'em to be Rebellions. But yet they maintain'd that the Reſiſtance at the Revolution, which was ſo Neceſſary, had been Lawful and Juſt from that Neceſſity.

They did agree that the Laws concerning Obedience, both Human and Divine, were very expreſs and poſitive; and no wonder that *the Homilies and Fathers dead and living*, follow'd the ſame way of expreſſing their Duty in general Terms. They readily granted that, but it did not follow that there could be no Exceptions from thoſe general Rules in Conſcience.

That there was no Law more poſitive and expreſs than that which enjoins the Obſervation of the Sabbath, wherein we are commanded to *do no Manner of Work*; Yet all Men knew, that Neceſſity made an allow'd Exception to that general Law, And the Reaſon why that Neceſſity was allow'd as a juſt Exception to that poſitive Law, would guide us to know, what Laws would admit of Exceptions from Neceſſity, and what not. The Reaſon our Divine Lawgiver aſſign'd, being, becauſe *the Sabbath was made for Man, and not Man for the Sabbath*; from whence plainly follow'd this Corollary: That where there was a poſitive Law, and that Law reſpected not ſome principal End for which Man was Made, their Neceſſity might make a juſtifiable Exception, how Expreſs ſoever that Law might be.

That whether Government was made for Man, or Man for Government, would eaſily appear from that ſhort Obſervation, That Man had been made in a State of Perfection; and the Rectitude of that State ſuppoſed the Abſence of all thoſe Crimes, which were the Objects of Government, and which Government was to Reform. And therefore Government could not have been one End of Man's Creation, and thoſe general Rules of Obedience might upon a real Neceſſity, have admitted a lawful Exception; and ſuch a neceſſary Exception they aſſerted the Revolution to be.

That it was with this View of Neceſſity, only abſolute Neceſſity of preſerving their Laws, Liberties and Religion; it was with this Limitation that they deſir'd to be underſtood, when any of them ſpoke of Reſiſtance in general. The Neceſſity of the Reſiſtance at the Revolution had been at that time Obvious to every Man. Every one, who either was not, or did not find his eaſie Mind, prepar'd to be a Tool to Popery or Slavery, had dreaded the Inſtances of that Neceſſity. The Cancelling all the Security from Laws by a diſpenſing Power; the erecting Commiſſions to deprive Subjects of their Property, not according to Law, but Humour; the making the whole Government depend upon the arbitrary Pleaſure of

he then Prince, could not but be a Juſtification of that Neceſſity before God and Man.

That ſo it was thought, at the time that Reſiſtance was on Foot. For then, when the Time was moſt proper for Admonitions of that Nature, the Clergy had been ſo far from averring the *Unlawfulneſs of Reſiſtance upon any Pretence whatſoever*, that the *true diſtinguiſhing Characteriſtick of a Church of* England *Man* had then been, wiſhing that Reſiſtance Good Luck, and rejoicing at its Succeſs. And yet the Gentleman at the Bar made that Exception, the Inſtance of an unjuſt Reſiſtance, by an ironical Aſſertion of *the late King's ſolemnly diſclaiming the leaſt Imputation of Reſiſtance in his Declaration*; for Ironical it muſt be, when every Body muſt believe that he himſelf knew the Contrary: A Figure of Speech very well underſtood, and known to be the moſt biting Sarcaſm.

To conclude, That ſo much depended upon the Revolution, that the Commons were highly Jealous of the Honour of it. That it was indeed Twenty Years ſince the Revolution had been ſettled, but it was within much leſs than Twenty Years that a Pretender had attempted to Invade their Country, to ſet that Revolution aſide. That Perſon, even with his Own good Opinion of his Right, knowing, he could have no Pretence to the Crown, unleſs the Priſoner's political Divinity were true, which they averr'd it was Not. But leſt that Pretender ſhould apprehend that His Friends were much encreas'd, when he heard that the Revolution was publickly Branded in Sermons as *Black and Odious*; the Commons had Impeach'd that Preacher, that he might not be Guilty of That High Crime and Miſdemeanor *without Diſcouragement*, and had brought him to their Lordſhips Bar for Juſtice, that he might not do it *with Impunity*.

After Sir *John Holland*, Mr. *Walpole*, another of the Managers, deliver'd himſelf to this Effect:

That the Commons were making good their Charge againſt Doctor *Henry Sacheverell* contain'd in the firſt Article, wherein he was accus'd for Suggeſting and Maintaining, that the neceſſary Means us'd to bring about the happy Revolution were Odious and Unjuſtifiable, and that to impute Reſiſtance to the Revolution, was to caſt *Black and Odious Colours* upon his late Majeſty and the Revolution.

That by what had been already offer'd to their Lordſhips, he made no doubt but they were fully convinc'd, how Injurious thoſe Poſitions muſt be to the Peace and Quiet of the Kingdom, and how highly they deſerv'd, and loudly call'd for their Lordſhips ſpeedy and exemplary Juſtice.

That the great Licentiouſneſs of the Preſs, in cenſuring and reflecting upon all Parts of the Government, had of late given

given too juſt Cauſe of Offence; but when only Pamphlets and common Libels were Matters of Complaint, when none but mercenary Scribblers, and the hackney Pens of a diſcontented Party were employ'd in venting their Malice, it was fit to leave them to the common Courſe of the Law, and to the ordinary Proceedings of the Courts below. But when the Trumpet was ſounded in *Sion*, when the Pulpit took up the Cudgels, when the Cauſe of the Enemies of the Government was call'd the Cauſe of God, and of the Church, when that bitter and poiſonous Pill was gilded over with the ſpecious Name of Loyalty, and the People were taught for their Souls and Conſciences ſake to ſwallow thoſe pernicious Doctrines, when inſtead of ſound Religion, Divinity and Morality, Factious and Seditious Diſcourſes were become the conſtant Entertainments of ſome Congregations; the Commons could not but think it high time to put a Stop to that growing Evil, and for the Authority of a Parliament to interpoſe, and exert it ſelf, in Defence of the Revolution, the preſent Government, and the Proteſtant Succeſſion. All which the Commons thought ſo materially concern'd in that Queſtion, that if the Doctrines, advanc'd by Doctor *Sacheverell*, were not Criminal in the higheſt degree, it would follow, that the Neceſſary Means us'd to bring about the Revolution had been Illegal, and conſequently, that the preſent Eſtabliſhment, and Proteſtant Succeſſion, founded upon that Revolution, were Void and of no Effect.

The Commons could not but apprehend that the juſt Reſentment and Indignation they had ſhewn upon that Occaſion, would meet with the general Applauſe of all that were heartily and ſincerely well affected to Her Majeſty, and Her Government; but for all thoſe, whoſe Principles and Practices render'd them moſt juſtly ſuſpected to have other Views, they were not at all ſurpriz'd to find them alarm'd, and under the greateſt Concern, at that Tryal.

That he was very ſenſible of the Difficulty and Nicety that attended the ſpeaking to that Point, and that whilſt a Loyal Subject and Faithful Servant of the beſt of Queens, was ſpeaking in Defence of the Neceſſary and Commendable Reſiſtance us'd at the Revolution, his Arguments might be miſconſtru'd, and miſrepreſented, as maintaining Antimonarchical Schemes.

But that to plead for Reſiſtance, that Reſiſtance he meant, which alone could be concern'd in that Debate, was to aſſert and maintain the very Being of the preſent Government and Conſtitution; and to aſſert Non-Reſiſtance in that boundleſs and unlimited Senſe in which Doctor *Sacheverell* preſum'd to aſſert it, was to Sap and Undermine the very Foundations of the Government, to remove the natural Baſis and Fundamental Strength of the Conſtitution, and to leave it underſet with

imaginary Props and Buttreſſes, which did, at beſt, but ill ſupport a ſhaken Foundation: And it was a moſt ſurpriſing Aſſurance in the Enemies of the Government, that whilſt they were ſtriking at the Root, and digging up the Foundations, upon which the preſent and future Settlement was built, they ſhould hope to paſs upon the World as Friends to either; but ſo irreconcileable were the Profeſſions and Practices of ſome Men, ſo awkardly did they ſpeak well of what they did not in their Hearts approve, that in Vindication of his late Majeſty (for that was a Part that ſometimes they thought uſeful to Act) they declar'd his moſt glorious Enterprize, to ſave a ſinking Nation, utterly Illegal: To recommend themſelves to the Queen, they condemn'd that Revolution, without which She never had been Queen, and the Subjects a moſt unhappy People: To teſtify their Zeal and Affection for the Proteſtant Succeſſion, they invalidated all the Laws that had been made for ſecuring that Bleſſing to Poſterity: And laſtly, To manifeſt their Averſion, and for ever to blaſt all the Hopes of the Pretender, they advanc'd and maintain'd the Hereditary Right, as the only true Right, to the Crown. But what Intereſt thoſe Opinions might at one time or other be produc'd to ſupport, and in favour of whoſe Pretenſions thoſe Inſinuations were eaſily underſtood to be, and in favour of what Settlement they could hardly be conſtru'd, he ſubmitted to their Lordſhips Conſideration.

That, *The utter Illegality of Reſiſtance, upon any Pretence whatſoever*, was the General Poſition laid down in the Sermon which, if it were ſtrictly, and in the moſt extenſive manner true, The aſſuming and exerciſing a Power of diſpenſing with, and ſuſpending the Laws, The Commitment and Proſecution of the Biſhops, The Erecting a Court of Commiſſioners for Eccleſiaſtical Cauſes, The levying Money by Pretence of Prerogative, The raiſing and keeping a ſtanding Army without Conſent of Parliament, The Violating the Freedom of Elections of Members to ſerve in Parliament, and all the Grievances enumerated in the Bill of Rights had been all meer Pretences, and not ſufficient to warrant and juſtify what was then done, in Defence of the true, ancient, and indubitable Rights and Liberties of the People of this Kingdom, which were now again Enacted, Ratify'd and Confirm'd, and enjoyn'd to be firmly and ſtrictly holden and obſerv'd: By what Evaſions, or Diſtinctions, the Doctor would explain himſelf off upon that Head, he could not eaſily foreſee, unleſs he would be ſo ingenuous as to confeſs, what there was too much Reaſon to believe would be his Opinion, if ever a proper Time ſhould ſerve for declaring, That the Acts of Parliament made upon, and ſince the Revolution, were only the Effects of a happy Uſurpation, and no part of the true Law of the Land.

That

That Reſiſtance was no where enacted to be Legal, but ſubjected, by all the Laws ſtill in being, to the greateſt Penalties; that it was not, could not, nor ought ever to be deſcrib'd, or affirm'd in any poſitive Law, to be excuſable: When, and upon what never to be expected Occaſions, it might be exercis'd, no Man could foreſee; and ought never to be thought of, but when an utter Subverſion of the Laws of the Realm threaten'd the whole Frame of a Conſtitution, and no Redreſs could otherwiſe be hop'd for: It therefore did, and ought for ever to ſtand, in the Eye and Letter of the Law, as the higheſt Offence. But becauſe any Man or Party of Men, might not out of Folly or Wantonneſs commit Treaſon, or make their own Diſcontents, ill Principles, or diſguis'd Affections to another Intereſt, a Pretence to reſiſt the Supreme Power, would it follow from thence, that the utmoſt Neceſſity ought *not* to engage a Nation in it's own Defence, for the Preſervation of the whole? Or on the other ſide, Becauſe the greateſt and moſt inexpreſſible Emergencies did ſufficiently juſtifie and warrant the Reſiſtance of the Revolution, would it be a Conſequence, that therefore, upon every ſlight Pretext or common Occaſion, the Laws that fence againſt Treaſon would be of no Effect? No, he hop'd their Lordſhips juſt Judgment in that Caſe would convince the World, that every *Seditious, Diſcontented, Hotheaded, Ungifted, Unedifying Preacher* (the Doctor would pardon him for borrowing one String of Epithets from him, and for once uſing a little of his own Language) who had no Hopes of diſtinguiſhing himſelf in the World, but by a matchleſs Indiſcretion, might not advance, with Impunity, Doctrines deſtructive of the Peace and Quiet of Her Majeſty's Government, and the Proteſtant Succeſſion, and prepare the Minds of the People for an Alteration, by giving them ill Impreſſions of the preſent Eſtabliſhment and its Adminiſtration.

That the Doctrine of unlimited, unconditional Paſſive Obedience, was firſt invented to ſupport Arbitrary and Deſpotick Power, and was never promoted or countenanc'd by any Government that had not Deſigns ſome time or other of making Uſe of it; What then could be the Deſign of preaching that Doctrine then unmaſk'd, unfought for, in Her Majeſty's Reign, where the Law was the only Rule and Meaſure of the Power of the Crown, and of the Obedience of the People? If then that Doctrine could neither be an Advantage or Security to Her Majeſty, who neither wanted, nor deſir'd it, to what End and Purpoſe muſt every Man conclude it was then ſet on Foot, but to unhinge the preſent Government, by ſetting aſide all that had been done in Oppoſition to that Doctrine; and when, by thoſe Means, the Way was made clear to Another's Title, the People were ready inſtructed to ſubmit to whatever ſhould be impos'd upon them.

Mr. Walpole added it might be expected, after he had said thus much in general, that he shou'd proceed to shew in what Parts of the Sermon those Aspersions were contain'd: But, that Part had been so fully and distinctly spoke to, by those Learned Gentlemen who were more proper, and a great deal more able, to manage that Province, that he would not misspend their Lordships Time, by repeating what had been already so fully and justly made out; but so much he would venture to say, That if the Rubbage were remov'd, with which the Doctor had an excellent Talent at puzzling Common Sense and the several Sentences, that could only be Relative to one another, were brought together, it was impossible for the Art of Man to make any Inferences or Constructions, so close and strong, as the plain and genuine Sense of the whole Scope of his Sermon, must at first View suggest to every Man's Understanding. And all that the Doctor alledged in his Defence was, That in the Revolution there had been no Resistance at all, and the King utterly disclaim'd any such Imputation. But surely, it could not be then necessary to prove Resistance in the Revolution, he should as well expect that their Lordships would desire him for Form's sake, to prove the Sun shin'd at Noon-Day; If then, there had been most undoubtedly Resistance us'd to bring about the Revolution, it would follow that all the Censures so freely bestow'd upon Resistance in general, must attend and would be imputed to the Revolution: And if *Resistance were utterly Illegal, upon any Pretence whatsoever*; If it was a *Sin*, which unrepened of, by the Doctrine of the Church of *England*, carried *sure and certain Damnation*; If, upon *Repentance*, there was no *Remission of Sins* without a stedfast Purpose to amend the Evil done, and to make all possible *Restitution*, or at least to do our utmost Endeavours for that Purpose; He begg'd their Lordships to consider what a Duty was here pressed, upon the Peril of Damnation, upon every Man's Conscience, that knew, or believ'd that there had been Resistance in the Revolution, and was conscious to himself, of being any ways assisting, or even consenting, to that *Damnable Sin*; and what must be the Consequence, if those Doctrines, without any Reserve or Exception, were with Impunity preach'd throughout the Kingdom. All which, he hop'd was sufficient to satisfie their Lordships, that Doctor *Sacheverell* was guilty of the Charge exhibited against him in the first Article; and that He was an Offender of that Nature and Malignity, that that Court only could be the proper Judges of such High Crimes; and from their Lordships Justice the Commons hop'd, That his Punishment would be adequate to the Heinousness of his Offence.

Sir John Hawles follow'd *Mr. Walpole*, the Purport of whose Speech was; That the Commons of *Great Britain* had commanded

ſtanded him to be aſſiſting to the Gentlemen that ſpoke before, for the proving the Priſoner at the Bar guilty of the Crime charged in the firſt Article of his Impeachment; which was, that he did Suggeſt and Maintain, in his Sermon preach'd at St. *Pauls*, That the neceſſary Means us'd to bring about the happy Revolution were odious and unjuſtifiable; and that his late Majeſty in his Declaration diſclaim'd the leaſt Imputation of Reſiſtance; and that to impute Reſiſtance to the ſaid Revolution was to caſt black and odious Colours on his late Majeſty. In making good which Article againſt the Doctor, he hop'd the Gentlemen that had ſpoke before him, would Excuſe him, if he made uſe of another Method than what they had done; which he ſhould do, not miſliking the Courſe they had taken, nor that he thought the Method he ſhould take was better than theirs, but only becauſe he would not repeat what was ſaid by them, which he was ſure would come with a worſe Grace from him, than it did from them; and becauſe he was ſure what had been ſaid was very well remembred by their Lordſhips. What he ſhould offer, he thought was ſomewhat to the Purpoſe, and not mentioned by the Gentlemen before. As to the Paſſages taken out of the Sermon to prove the Doctor Guilty of the Fact of the firſt Article, they had been ſo fully open'd, and ſo very well apply'd that he had very little to add to what had been ſaid; he ſhould therefore only ſay, that the Clauſe of the Doctor's Sermon, wherein the Doctor Aſſerted that *The grand Security of the Government, and the very Pillar upon which it ſtood, was founded upon the ſteady Belief of the Subjects Obligation to an abſolute and unconditional Obedience to the Supream Power in all Things Lawful, and the utter Illegality of Reſiſtance upon any Pretence whatſoever*, he lay'd down not as a Doctrine he would teach his Congregation, but in Order to draw an Argument from thence for ſome other Purpoſe; and what that was appear'd plainly afterwards; for having alledg'd ſome Things not proper for the Occaſion for which the Day upon which he preached was Solemniz'd, he added, *Our Adverſaries think they effectually ſtop our Mouths, and have us ſure and unanſwerable on this Point, when they urge the Revolution of this Day in their Defence; but certainly they are the greateſt Enemies of that, and his late Majeſty, and the moſt ungrateful for their Deliverance, who endeavour to caſt ſuch black and odious Colours upon both. How often muſt they be told, that the late King himſelf ſolemnly diſclaim'd the leaſt Imputation of Reſiſtance?* By which 'twas plain, that the Poſition of the Subjects Obligation to an abſolute and unconditional Obedience to the Supream Power laid down, had been only to ſhock and lay odious Colours upon the Revolution, or the Means whereby it was brought about; he knowing that the Means whereby the Revolution had been brought about, had been by

Force,

Force, and he knew it had been so declar'd by the Act of Parliament made in the first Year of King *William* and Queen *Mary*, for preventing vexatious Suits against such as acted in Order to the bringing in the late King and Queen. And tho' the Doctor would insinuate that the same had not been done by Force, and it was own'd he did not assert that either it was or was not done by Force, but he strongly insinuated it was not done by Force, when he asserted, tho' untruly, that the late King disclaim'd any Resistance upon his coming. *Sir John* would say nothing more as to that Matter, and nothing as to that other, that had been largely open'd, relating to the Subjects Obligation to an absolute and unconditional Obedience to the Supream Power; the rather, because if it had been doubtful, the Acts of Parliament mention'd in the Preface to the Articles, whereby the Revolution had been declar'd to be a glorious Enterprize, and the Means for bringing of it about justify'd, had determin'd that Matter; and because their Lordships he thought would not suffer the Doctor or his Council to say any Thing against the Revolution, or the Means whereby it had been brought about.

He said, The Commons of *Great Britain* own their Lordships to be the Supream Court of Judicature in the Government, but yet they thought that Acts of Parliament, whereof their Lordships were in part the Makers, were as binding upon their Lordships, as a Court of Judicature, as they were upon any Court of *Westminster-Hall*, where Matters determin'd by Act of Parliament were never suffer'd to be disputed afterwards; but he own'd what was practis'd in *Westminster-Hall*, was not a Rule whereby their Lordships ought to be govern'd, and therefore he rely'd only upon the Reason of what he asserted; for altho' their Lordships were the Supream Court, and from whom no Appeal did lie to any other Court of Judicature, yet their Lordships, as a Part of the Legislature, were greater than in their Judicial Capacity, in which they were subject to the Law; tho' in their Legislative Capacity, in Concurrence with two other Powers, they were above the Law. He therefore thought it incongruous, that a Court of Persons of less Power should judge otherwise than the Court of greater Power had determin'd; but that he submitted to their Lordships, and was sure the Gentlemen of Council with the Doctor knew their Duty so well in that Matter, that they would not give their Lordships the Trouble of an Admonition upon that Occasion. He would not add more upon that Subject, but proceed, with their Lordships Permission, to prove the Doctor Guilty of what he was charg'd with in that First Article, by the Doctrine by himself laid down in his Sermon, and admit for Argument-sake the same to be true; tho' he must assert, that he carry'd the Doctrine somewhat farther than the

Apostles

Apoſtles had done in ſome Reſpect, but in other Reſpects ſeem'd to reſtrain it more than they did. In the reſtraining part he ſeem'd to confine the abſolute and unconditional Obedience to Things lawful, which Reſtraint look'd like ſomething, but in Truth, upon Examination, was nothing; for ſuppoſing the Supream Power Commanded the Subject to do ſomething which it thought Lawful, but the Subject not willing to Obey pretended the thing to be Unlawful, the true Reaſons being that it was chargeable, troubleſome, hazardous, or the like; in this Caſe who was to be Judge; the Supream Power, or the Subject? In the Reaſon of the thing, neither of them were proper Judges; for the Supream Power would be byaſs'd, by reaſon of the Command given by them at firſt, and would be aſham'd to own what they commanded was Unlawful, and therefore would give Judgment on their own ſide, to juſtifie themſelves in what they had commanded; and the Subject would be as much byaſs'd for the ſame Reaſon that he had been at firſt diſſatisfied with the Command; and there being no higher Power or Authority to Appeal to than the Supream Power, that muſt needs be the Judge, from whom there could be no Appeal. But perhaps the Doctor and he differ'd in the Perſons in whom the Supream Power was lodg'd, for the Doctor had not mention'd that Matter, either in his Sermon, or in his Anſwer to the Articles; but he hop'd in the Anſwer the Doctor was to give to what was then objected againſt him, he would tell them in whom that Power was lodg'd; but that he would himſelf firſt tell the Doctor in whom he thought it was lodg'd, and that was in the Queen's Majeſty, the Lords Spiritual and Temporal and Commons in Parliament aſſembled: And he thought when the Acts mention'd in the Impeachment paſs'd (except the Act for declaring the Rights and Liberties of the Subject) the Supream Power had been lodg'd in the late King *William* and Queen *Mary*, and the Lords Spiritual and Temporal and Commons in Parliament aſſembled. But as the Doctor ſeem'd to have reſtrain'd his Doctrine of Non-Reſiſtance, had as much inlarg'd his Doctrine of Abſolute Obedience; for, as Sir *John* thought what had been till then written or aſſerted, upon the Occaſion of that Matter, went no further than Paſſive Obedience and Non-Reſiſtance; but the Priſoner's Doctrine extended to Active Obedience as well as Paſſive, becauſe, the Words of the Apoſtles, from whom that Doctrine was taken, ſeem'd to reſtrain it only to Paſſive Obedience and Non-Reſiſtance; and the Reaſons why the Apoſtles inculcated no other Obedience, was, as he believ'd, becauſe that was to ſufficient to ſecure the Government under which the Apoſtles liv'd, which was the *Roman* Government, and which ſtood in Fear, of no Foreign Force, and which Government was ſaid and believ'd,

could

could not be ruin'd but by its own Subjects which afterwards prov'd to be true. That that their Doctrine was the Doctrine of Christianity, and truly so call'd, Sir *John* readily agreed to the Prisoner; but he did not think that Christianity introduc'd that Doctrine into the World, for he thought as the Doctor did, that it was as ancient as Government, because it was impossible that Government could subsist, unless supported by its Subjects; but how ancient that Doctrine was, could not be asserted, without knowing how Government came to be introduc'd into the World? If it was Patriarchal, as some had asserted, it was as antient as *Adam*; if introduc'd by Conquest, then its Date was no higher than *Nimrod*; if it was by Compact, then he could not say when it began; but so much was certain, that it had been as ancient as the *Roman* People, which was above seven Hundred Years before the Coming of our Saviour, but how long before the *Roman* Name was known he could not take upon him to say. But tho' that Doctrine had not been introduc'd by Christianity, yet he thought it might well and properly be call'd the Christian Doctrine; for tho' amongst the Heathens it was a Political Law, and oblig'd as other Laws did for fear of Punishment, yet Christianity had first pres's'd that Doctrine upon the Consciences of the Subject, which no other Religion had done, and that was sufficient to Entitle it to the Name of Christian. But the Doctor, as he said, had carry'd it farther than the Words of the Apostles did, extending it to an Active Obedience, which the Words of the Apostles did not warrant, in the Strictness of the Expressions. Yet he would not contest with the Doctor in that Matter, for if the Doctrine, as preach'd by the Apostles were sufficient to secure the Government they liv'd under, as it was, and that Doctrine was not sufficient to secure the Government we now live under, as it was not; the Doctor might very well think that what he then asserted, by the Equity, as it is call'd (that is) the Reason of the Doctrine preach'd by the Apostles, was well warranted.

Having thus stated the Matter of the Subjects Obedience to the Supream Power, in which he had agreed with the Doctrine set forth in the Sermon. Sir *John* could not imagine how the Doctor could justifie himself in declaring against the Revolution, as he had done; when he knew, as well as any, that the Revolution had been justify'd by the Supream Power in the Acts of Parliament mention'd: For certainly it must be granted, that the Doctrine that Commanded Obedience to the Supream Power, tho' in things contrary to Nature, even to suffer Death, being the highest Injustice that could be done a Man, rather than make an Opposition to the Supream Power, because the Death of one or some few private Persons was a less Evil, than disturbing the whole Government, that Law must needs

have

have been understood to forbid the doing or saying any thing to disturb the Government, the rather because the obeying that Law could not be pretended to be against Nature; and the Doctor's refusing to obey that implicit Law, was the Reason for which he was then prosecuted, tho' he would have had it believ'd, that the Reason of his then Prosecution was for the Doctrine he asserted of Obedience to the Supream Power, which he might have preach'd as long as he had pleas'd, and the Commons would have taken no Offence at it, if he had stop'd there, and had not taken upon him, on that Pretence or Occasion, to cast odious Colours upon the Revolution; if he was of the Opinion he pretend it could not be imagin'd how it came to pass, that he who pay'd that Deference to the Supream Power, had preach'd so directly contrary to the Determinations of the Supream Power in this Government, he very well knowing that the Lawfulness of the Revolution, and of the Means whereby it had been brought about, had already been determin'd by the aforesaid Acts of Parliament, and did it in the worst manner that he could invent; for questioning the Right to the Crown here in *England*, had procur'd the shedding of more Blood, and caus'd more Slaughter, than all the other Matters tending to Disturbances in the Government put together. If therefore the Doctrine which the Apostles had laid down was only to continue the Peace of the World, as thinking the Death of some few particular Persons better to be born with than a Civil War; sure it must be the highest Breach of that Law, to question the first Principles of this Government.

That it was not forgotten how much Blood had been spilt upon the account of the title between the Houses of *York* and *Lancaster*, in which the Learn'd in the Law had differ'd, and the setting on Foot that Question of the Title of the present Government, above twenty Years ago determin'd, and that Determination acquiesc'd in from that time 'till then, in all probability, if not suppress'd would tend to as great Mischief as that War entail'd on the Nation. Yet the Doctor, who preach'd up the Subjects Submission to the Supream Power, even to Death it self, thought he had not only a Licence, but a Command from God, to enquire into the late King and Queen's Right to the Crown, and to blow a Trumpet to set his Fellow Subjects to cut one anothers Throats upon that Account, which surely was the absurdest Construction of a Text that ever was made; and yet that was the Case if the Prisoner's Practice were compar'd with his Doctrine.

He thought the Doctor ought to have consider'd what our Saviour and his Apostles did in their time; it did not appear that any of them ever question'd the Title of the Emperors, under whose Government they liv'd, or ever said any thing relating to their Titles, or that Power they exercis'd; and yet if they had thought it lawful or expedient, they had just Occasions

casions to have done it. That St. *John*, the Survivor of the Apostles, had liv'd, as was said, to the time of *Trajan*; so that by that Account he liv'd under thirteen Emperors, including *Augustus* and *Trajan*; and yet neither of them had so much as a Pretence of Right to the Empire, according to the Opinion then had of that Right. That, The first and last of those Emperors were the very best the *Romans* had, except perhaps *Titus Vespasian*; and yet *Augustus* came to the Empire by the worst Means of any of them, for he had waded thro' a Sea of Blood, and been guilty of many Acts of Treachery and Cruelty; but after the World had reap'd so many Benefits by his Excellent Government, it forgot the Iniquity of the Means whereby the Empire had been obtain'd; and the best Means of obtaining the Empire, by the following Emperors, 'till the time of *Titus Vespasian*, had been by Force, and most of them by treacherous Murders; and yet it did not appear that either our Saviour or his Apostles had reproach'd any of those Emperors with the Injustice of the Means whereby they became so. And he thought it would have become the Doctor to have follow'd those good Examples; but the Doctor was of another Opinion, and thought the aforesaid Words of *Isaiah*, *To cry aloud*, &c. did well warrant that his Opinion, not considering that the Prophet had that Express Command from God, for reproving the Hypocrisie of the *Jews*; and if the Doctor had the like Command for Preaching as he had done, he thought he had quoted a good Authority for so doing; but he must give a better Proof of such Command than he had yet done.

If the Doctor thought the Command given to *Isaiah* extended to him, how came it to pass that the Apostles did not think the same Command extended to them? Did not they live nearer the time of *Isaiah*? Were not they acquainted with the Writings of *Isaiah*, as well or better than the Doctor, and so might have known the Authority given to that Prophet better than the Doctor? But yet forbore to do as the Doctor hath done; and their having forborn so to do, could not proceed from any other Reason, than that they thought those Words did not extend to the Apostles, or that they thought it was not Lawful or Expedient for them to question the Title of those Princes, or the Justice or Means whereby they had obtain'd it.

Sir *John* added That if the Doctor had been contented with the Liberty he took of Preaching up the Duty of Passive Obedience in the most extensive Manner he had thought fit, and would have stop'd there, their Lordships would not have had the Trouble in Relation to him they were then put to; but it was plain, that he preach'd up his absolute and unconditional Obedience, not to continue the Peace and Tranquility of the Nation, but to set the Subjects at Strife, and to raise a War in the Bowels of it, and therefore he was then Prosecuted, tho'

he would fain have had it believ'd, that the Profecution was for preaching the peaceable Doctrine of Abſolute Obedience.

Sir *John* ſaid, He could not but take Notice of the Scandal the Doctor charg'd upon the late King, as if when he Landed he had diſclaim'd all manner of Imputation of Reſiſtance, than which nothing was more untrue, even by the Doctor's own Confeſſion in his Anſwer, and the Words of the Declaration mention'd in the Print of the Sermon, tho' no Part of the Sermon, whereby he pretended to explain himſelf, by ſaying, he intended a Diſclaimer of Reſiſtance in order to a Conqueſt, than which nothing could be more abſurd, for that never a Conqueſt had been made, or ever would be made, by bare Reſiſtance; nor ever had a weaker Thing been charged upon a Prince, than to make him diſclaim all Reſiſtance at a Time when he was actually making War; for his bringing an arm'd Force of that Number he did into this Kingdom, with a great Train of Artillery with him, had been making War by the Law of *Great Britain*; and he had charg'd the Prince of *Orange* with an Act of the higheſt Treachery, in pretending Peace when he actually made War.

That the laſt Matter he ſhould take Notice of were the Words in the Nineteenth Page of the Doctor's Sermon, *viz. That old Leaven of their Forefathers is ſtill working in the preſent Generation; that this traditional Poyſon ſtill remains in this Brood of Vipers, to ſting us to Death, is ſufficiently viſible, as to the dangerous Encroachment they now make upon our Government, and the treaſonable Reflection they have publiſh'd upon Her Majeſty, God bleſs Her! whoſe Hereditary Right to the Throne they have had the Impudence to Deny and Cancel, to make Her a Creature of their own Power; and that by the ſame Principles they plac'd a Crown upon Her, they tell us, they, (that is the Mob) may Reaſſume it at their Pleaſure.* That he thought it could not be doubted who it was the Doctor meant by the Word *Mob*, which was the People of *England*; for tho' the Word *Mob* were a Cant Word amongſt a ſort of People called Gypſies, and with them ſignify'd the Meaneſt or the Scum or Dregs of the People, yet as the Doctor has us'd it in that Place, it could ſignifie nothing elſe than the Body of the People of *England*, of whom Sir *John* believ'd their Lordſhips did not think it beneath them to be thought a Part, and the chiefeſt Part, for he aſſerted, They ſaid, that they had placed a Crown upon Her Majeſty, and from thence made an Inference that they might reaſſume it at their Pleaſure; which could be intended nothing elſe than what had been done in Reſpect of Her Majeſty by the Bill of Rights, wherein 'twas ſaid, *That the Lords Spiritual and Temporal and Commons in Parliament aſſembled did declare Her Majeſty, after the Death of the late King and late Queen, without Heirs of her Body, was*

Lawful

Lawful and Rightful Queen of this Realm. Now, tho' Her Majesty had an Hereditary Right and Title to the Crown, and so She was not so much concern'd in the Declaration by the said Act, as the last King and Queen, in what that Act conferred upon them, which had been done only by the People of *England*, under the Denomination of Lords Spiritual and Temporal and Commons in Parliament assembled; and if that had not confer'd a Title to the Crown on the late King and Queen, they, who in their Lives time had been thought to be lawful and rightful King and Queen of these Realms, by the Doctor's reasoning, had been no better than the Usurpers of another's Right; and tho' that Bill of Rights had been afterwards confirm'd by an Act in the second year of their Reign, yet that would not at all mend the Matter; for if they had not obtain'd a Right, by the Bill of Rights, to the Crown of these Realms, they could be no more King and Queen of these Realms, than they had been before the said Bill of Rights: But the Truth was, that when a Government was brought out of *France* by the extraordinary Steps of a Prince, 'twas a vain thing to hope that it ever could be set right by regular Steps, for that never was done, nor ever would be done; but that those Methods which were necessary to set the Government in a right Frame again, had been always taken to be Legal, tho' by the Nicety of Law they could not be well justified. That upon the Change of Government from *Richard* the Second to *Henry* the Fourth, the Parliament call'd in the Time of *Richard* the Second, and by his Authority, had continu'd to sit in the Time of *Henry* the Fourth, and pass'd several Acts in the Time of *Henry* the Fourth, which had never been practis'd before, nor warranted by any known Laws; yet what done had been allow'd to be Legal. So in the Time of *Henry* the Seventh; he being attainted of High-Treason, which, according to the Rules of Law at that time, prevented the Descent of the Crown on him, and his Friends being also mostly attainted, were uncapable of Sitting in Parliament 'till those Attainders were revers'd, which could not be done but by Act of Parliament, or the Court of King's Bench; and that King did not care to have a Parliament 'till his Friends might be capable of sitting there, nor could he make Judges 'till he was King, which Difficulty seem'd to be insuperable, but the Judges made a Resolution according to the Exigence of the Thing, and declard that Sir *William Stanley*'s placing the Crown upon the Earl of *Richmond*'s Head purg'd his Attainder, and he thereby became from thenceforwards King of *England*, and enabled to Constitute Judges, and the Judges to Reverse the Attainder of all the King's Friends: That it was true, *Henry* the Seventh married the Heiress of the House of *York*, and was thereby, as has been since thought, King in Right of his Queen, but he

he never would own her Title to the Crown, nor ever ſuffer'd her to join with him in any Act of Government, nor ever declar'd by what Title he poſſeſs'd the Crown; and yet none of the Acts paſs'd in his time, nor any Thing then tranſacted, had been afterwards queſtion'd upon the Account of his Title to the Crown: That an Act had paſs'd in his time, Indemnifying ſuch as ſhould Obey or Aſſiſt the King then in Being, whether he had Right to the Crown or no; but if he had not been allow'd to be King before the paſſing of that Act, the Acts of Parliament that paſs'd in his Time would have been of no more Validity, than the Acts paſs'd in the Time of *Cromwell*, or any other Uſurper; whereby 'twas plain, that the Doctor then, and the Perſons who had the beſt Knowledge of Matters of that kind in thoſe Days, diſagreed in Opinion: And he could not but take notice that the Doctor, notwithſtanding his little Knowledge in the Matters he Diſcours'd of, made the Declaration by Parliament of the Queen's Title to the Crown, to be the Cancelling of Her Title by Deſcent; and therefore he ſeem'd to adviſe Her Majeſty, to quit that Title She claim'd from Her People, and to rely upon Her Title by Inheritance: Whereas, if the Doctor had but known what our Law allow'd; or if he had read any thing of this Matter, he would have known that thoſe Titles did by no means Diſagree, but were Conſiſtent with one another, and that Princes that ſometimes have claim'd by ſeveral Titles, would not make their Choice of which they rely'd on. That *Henry* the Eighth, who was Heir of the Houſes of *York* and *Lancaſter*, never declar'd on which Title he rely'd; Queen *Elizabeth*, after the Death of Her Brother and Siſter, claim'd as Heir to *Henry* the Eighth, and was likewiſe Deviſee of the Government of *England* by the Will of her Father, who had been by Act of Parliament enabled to give it by his Will to whom he pleas'd; but notwithſtanding that, ſhe deſir'd to have an Act of Parliament, which ſhe had, declaring her to be Queen of *England*, &c. which Act of Parliament was to the ſame Purpoſe as was the Bill of Rights in reſpect of Her Majeſty's Title to the Crown. Sir *John* ſaid, he would not trouble their Lordſhips any more, to prove the Priſoner Guilty of the Crimes charg'd upon him by the firſt Article of the Impeachment; yet he could not but obſerve ſome Aggravating Circumſtances of the Priſoner's Crime. As firſt, That the Doctrine in the Impeachment had been Preach'd by a Divine of the Church of *England* as by Law Eſtabliſhed; for a Divine of the Church of *England* was a Perſon of that Credit, that the People were ready to aſſent to what he ſaid without conſidering what the ſame was, or how made out: In the next place, It had been preach'd in the Cathedral Church of the Metropolis of the Kingdom; whereas had it been preached in

ſome obſcure Country Town, 'twould have hardly been taken Notice of: In the third place, It had been preach'd before the Lord-Mayor and Court of Aldermen of the City of *London*, and ſo far approv'd of by them, or ſome of them, as to be Commanded to be Printed; for which Reaſon what he had preached had done more Miſchief than otherwiſe 'twould have done, there having been about forty thouſand printed to villifie the Revolution, on which depended the Security of the Proteſtant Religion both at home and abroad, and the Succeſſion of the Crown in the Proteſtant Line, the Union of the two Kingdoms, the Queen's Bounty to the poor Clergy, and ſeveral other Benefits enjoy'd by the Revolution, and amongſt others, that Her Majeſty had been, and ſtill was ſo peaceably poſſeſs'd of the Crown: For if the Force before the Revolution, which ſuppreſs'd Her Majeſty's Hereditary Right to the Crown, had not been remov'd by the Revolution, as it had been, Her Majeſty's Title would never have been able to have exerted it ſelf, and if ever the Doctor, or any of his Accomplices, ſhould ever be able to ſhock the Revolution, as to remove what had been built upon it, he doubted that Force which the Revolution remov'd would return again, and oppreſs the Queen's Title to the Crown, as it had done before.

He concluded ſaying, He could not paſs by the Doctor's Anſwer to the Articles, without taking Notice of one Paſſage in the ſame, *viz. Hard is the Lot of the Miniſters of the Goſpel, if when they cite the Word of God in their general Exhortations to Piety and Virtue, the ſeveral Texts by them cited ſhould be ſaid to be by them meant of particular Perſons and Things.* That he muſt ſubmit to their Lordſhips Judgment the Unreaſonableneſs of that Complaint, and whether the ſeveral Texts and Paſſages cited by him in his Sermon could bear any other Conſtruction than what had been made, and whether it were not the Duty of the Preacher to deliver himſelf ſo in the Pulpit, that his Meaning ſhould not be doubtful to his Congregation. That the Commons of *Great Britain* did not go about to make him Aſſent or Swear to what the Supreme Power had determin'd, tho' the Doctor in his Sermon had thought fit to impoſe Matters of that kind upon other Perſons, ſo as to make them Swear to them; no, the Commons of *Great Britain* would only have him reſtrain'd from publiſhing any Thing, and eſpecially in the Pulpit, which reflected upon the Supreme Power, or what they had or ſhould determine, which even the niceſt Conſcience had never yet boggled at. That he could add more Aggravations of the Doctor's Crimes, but would forbear to do it, rather following the Example of the Commons of *Great Britain*, who had indeed demanded Judgment againſt that Perſon of their Lordſhips, but had done it in mercy, for they might have charg'd thoſe Matters againſt the Doctor as High Treaſon,

Treason, and so it had been in Indictments against some Divines in a Reign known to their Lordships, for Matters in their Sermons less Heinous than those for which he was then Impeached; yet the Commons had call'd the Matters of that Impeachment only High Crimes and Misdemeanours, and it was a Rule in our Law, that the Court in which a Prosecution was had, could not call the Crimes greater than what the Prosecutor thought fit to charge them, and could not adjudge a greater Punishment to the Crimes than usual, but in some Cases might lessen the Punishment for such Crimes; and whatsoever Censure their Lordships should pass upon that Criminal, the Commons of *England* would acquiesce in, and be well satisfied with the same.

The next Manager was Lieut. Gen. *Stanhope*, the Purport of whose Speech was, That the Gentlemen who had spoke before him to that Article, said so much, that they had left little to him who was last in it. He should therefore particularly apply himself to make out to their Lordships, that as the Prisoner at the Bar was Guilty of the Matter charg'd in that first Article, so he had done it (as the Preamble of the Articles did set forth) with a Wicked and Malicious Intention to Undermine and Subvert Her Majesty's Government, and the Protestant Succession as by Law Estsablished; to Defame Her Majesty's Administration; to Asperse the Memory of his late Majesty; and to Traduce and Condemn the late happy Revolution; as in the same Preamble to the Articles it was charg'd against him.

If it were true, (as their Lordships had been told by most of the Gentlemen who went before him) that Non-Resistance, asserted in general Terms, did destroy the Foundation of the Revolution, the present Establishment, and Her Majesty's Title to the Crown, and the Settlement of the Protestant Succession; If that were true, it was as true, that the Doctor, who has advanc'd that Doctrine in general Terms, was Guilty of that Charge of intending to Subvert the Government: And then their Lordships ought to proceed against him, as an Enemy to the Government.

That what had been said by the Gentlemen that spoke before him concerning the Doctrine of Non-Resistance, had been said with so much Regard to Truth, to Her Majesty and Her Government, that he was perswaded nothing that had been said on that Subject, could justly be misconstrued. But on the contrary, to assert in general Terms the absolute Illegality of Resistance, on any Pretence whatsoever, (as that Doctor and all the professed Enemies of the Government avowedly did) must be understood by all impartial and thinking People to overthrow Her Majesty's Title and Government; since at the same Time that they screen'd themselves under the specious Notion of pro-

ſeſſing Abſolute and Paſſive Obedience to the Supreme Powers, they could not conceal their true Meaning; that the true and real Object of their darling Doctrines, ſuch as *Jus Divinum*; *Non-Reſiſtance*; *the undefenſable, unalienable Hereditary Right*, that (he ſaid) the true Object of thoſe Doctrines was a Prince on the other ſide the Water. They could not otherways be conſiſtent with themſelves. For in the ſame Breath, in the ſame Diſcourſe, to preach paſſive unlimited Obedience to Magiſtrates, and to revile and defame the Magiſtrates; to preach Non-Reſiſtance on any Pretence whatſoever; and to incourage Sedition by inveighing in the ſtrongeſt Manner againſt the Adminiſtration; thoſe were ſuch Contradictions as could no otherways be reconcil'd, no otherways, than by concluding, what was very plain from their Conduct, that however they were pleas'd to colour and diſguiſe their Diſcourſes, their true End was only to diſingage and alienate the Peoples Affections from their preſent Governors; to inſinuate to them that the Foundation of the Revolution was wrong; that the Revolution it ſelf was an Uſurpation; that whatever had been built upon that Foundation, could have no weight; and to miſrepreſent thoſe who had a Hand in it, as Rebels and Traitors.

As to the Doctrine it ſelf of abſolute Non-reſiſtance, it ſeem'd needleſs to prove by Arguments, that it was inconſiſtent with the Law of Reaſon, with the Law of Nature, and with the Practice of all Ages and Countries. Nor was it very material, that the Opinions of ſome particular Divines, or even the Doctrine generally preach'd in ſome particular Reigns, might have been concerning it. It was ſufficient to know what the Practice of the Church of *England* had been, when it found it ſelf Oppreſs'd. And indeed there lay an Appeal to the Practice of all Churches, of all States, and of all Nations in the World, how they behav'd themſelves when they found their Civil and Religious Conſtitutions Invaded and Oppreſs'd by Tyranny: He believ'd one might farther venture to ſay, that there was not, at that Time, any Nation or Government in the World, whoſe firſt Original had not receiv'd its Foundation, either from Reſiſtance, or Compact. And as to their Purpoſe, it was equal, if the latter were admitted. For wherever Compact was admitted, there could not but be admitted likewiſe a Right to defend the Rights accruing by ſuch Compact. To argue the municipal Laws of a Country in this Caſe, was idle. Thoſe Laws being only made for the common Courſe of Things; and could never be underſtood to have been deſign'd to defeat the End of all Laws whatſoever: Which would be the Conſequence of a Nation's tamely ſubmitting to a Violation of all their Divine and Human Rights.

That

That there was a Latitude left to the Subjects in such a Case, had been allow'd by the most strenuous Advocates of Passive-Obedience: And he would on that Occasion quote to their Lordships, the Sermons of a Reverend Divine, who, he was sure, was not thought a Favourer of Antimonarchical Principles, nor to deserve any of those pretty Epithets, which the Doctor so liberally bestow'd on those who differ'd from him in Opinion. It was Doctor *Atterbury*'s *Latin* Sermon, preach'd to the Convocation. The Scope and Drift of that Discourse had been to preach up Absolute Obedience, yet such was the invincible Force of Truth, and such the Nature of that Argument, that the Doctor, not to betray his own Conscience, after having well thought upon it, was obliged to express himself in the following Words, which their Lordships would give him leave to read to them out of his Sermon, which he had there in his Hand. *Quando autem, quibusq; de causis Magistratuum imperia detrectare*, Nosmetipsos in libertatem vindicare *liceat, ne verbulo quidem indicant: nisi cum aliquid ab hominibus forte imperatum fuerit, latis a Deo legibus contrarium. Id ubi acciderit, quid agendum sit, Petri vox illa declarat*, Obedire oportet Deo magis quam Hominibus.

The Sense of this Passage, (he said) if he mistook not, was this: *But when, and upon what Causes it may be lawful to oppose the Power of the Prince, and* assert our Liberties, *the Scriptures do not say; unless in Cases when Men shall command Things contrary to the Laws of God. When that shall happen, St. Peter tells us what we must do*, We must obey God before Men.

To apply this to the present Argument, he appeal'd to the Memory of their Lordships, whether King *James* had not commanded Things contrary to the Laws of God; whether his Commands to the Reverend Fathers of the Church had been consonant to the Law of God; whether his Commands to execute a dispensing Power; whether his Commands to all such of both Houses, as he could influence to Vote for a dispensing Power, contrary to their own Consciences, had been agreeable to the Law of God; or, in short, whether the whole Course of his Reign had not been a Series of illegal Commands, calculated to destroy their holy Religion, and to violate all their religious and civil Rights. Their Lordships had thought so; the Commons thought so; and the Nation thought so; and in Consequence of that Doctrine, preach'd by St. *Peter*, they had chosen to obey God before Men.

But returning to Dr. *Atterbury*'s Sermon, it went on thus: *Petenda sunt ista (si quidem peti necesse sit) a Jurisconsultis, a Thesium Politicarum tractatoribus; e legibus, e Rerumpublicarum Formis, sua cuiq; Genti propriis, tanquam e fonte suo, sunt hauriendа.*

In *Engliſh* thus:

But in ſuch Caſes you muſt adviſe with the Lawyers, and thoſe learned in Politicks; and have Recourſe to the Laws and Conſtitutions peculiar to each ſeveral Country, as to the Springs and Fountains of this Knowledge.

In Compliance to what was recommended by this Reverend Dean, he ſaid, he had endeavoured to follow his Advice, to conſult with thoſe learned in the Laws of Nations and Politicks. He had heard that *Grotius* was of as good Authority on thoſe Subjects as any that had writ about them; that he had ever been a Favourer of Monarchy, and held in great Repute amongſt the Divines of their Church: He ſhould therefore beg leave, out of the many Paſſages to be found in his excellent Treatiſe *de Jure Belli & Pacis*, which ſupported that Argument, to quote only one, for the ſaving of their Lordſhips time. Book I. Chap. 4. and Section 13. *Si Rex partem habent ſummi Imperii, partem alteram Populus, aut Senatus, Regi in partem non ſuam involanti vis juſta opponi poterit, quia eatenus imperium non habet: quod locum habere conſtat, etiamſi dictum ſit, Belli poteſtatem penes Regem eſſe; id enim de bello externo intelligendum eſt, cum alioquin quiſquis Imperii ſummi partem habeat, non poſſit non jus habere eam partem tuendi.*

The Senſe of that Paſſage he conceiv'd to be thus: *If the King has one Part of the ſupreme Power, and that the other Part is in the Senate, or People, when ſuch a King ſhall invade that Part that does not belong to him, it ſhall be lawful to oppoſe a juſt Force to him, becauſe his Power does not extend ſo far: Which Poſition I hold to be true, even tho' the Power of making War ſhould be veſted only in the King; which muſt be underſtood to relate only to Foreign War: For as for Home, it is impoſſible for any to have a Share of the Supreme Power, and not to have likewiſe a Right to defend that Share.*

This Paſſage, he ſaid, was exactly adapted to the Conſtitution of *England*, and the latter Part of it perfectly agreeable to what he had always heard quoted as a Maxim of the Law, *That wherever there is a Right, there is a Remedy.* That their Lordſhips had Rights, no Body would preſume to deny; that the Commons had Rights, no Body would deny; that every Subject of *Britain* has Rights, no Body will deny. Then to ſay, when a Prince ſhould invade all theſe Rights at once, to ſay that the whole Collective Body of the Nation had no way to vindicate thoſe Rights, was ſo inconſiſtent, ſo contrary to Reaſon, that 'twas to be wonder'd it could ever enter into the Mind of Man.

Were it not for fear of tiring their Lordſhips, he ſaid, he might, from many Paſſages out of *Forteſcue* *, and Mr. *Hooker*,

* *Forteſcue de laudibus legis Angliæ*, Cap. 10, 11, 12, 13.

Hooker †, evince beyond Contradiction that the Constitution of *England* was founded upon Compact; and that the Subjects of the Kingdom have in their several publick and private Capacities, as legal a Title to what were their Rights by Law, as a Prince to the Poſſeſſion of his Crown.

That their Lordſhips, and moſt that heard him, were Witneſſes, and muſt remember the Neceſſities of thoſe Times which brought about the Revolution: That no other Remedy had been left to preſerve their Religion and Liberties; that that Reſiſtance had been Neceſſary, and conſequently juſt. It had been then by no good Man thought a black and odious Crime to take up Arms for the Defence of his Country. Many of your Lordſhips had been Actors in that Reſiſtance. The greateſt Part of the Nation had either actually reſiſted, or countenanc'd, abetted, and ſupported thoſe who ſet them the glorious Example. He hop'd they had all ſo much Gratitude to the beſt and greateſt of Queens, as to retain for ever a grateful Memory, how great a Share Her Majeſty had in promoting that Revolution. When thoſe Facts were ſo freſh in their Memories; what muſt they ſay to thoſe who gave the injurious Names and Epithets of *Republicans*, of *Enemies and Traitors to Church and State*, to thoſe who had been concern'd in that Reſiſtance which brought about the Revolution? Sure it might have become them to conſider *who* had been concern'd, and *who* had a Share in it. It was not only traducing the late King and Queen, our glorious Deliverers; it went yet further: But he would out of Reſpect forbear to mention what they not only thought, but have frequently the Inſolence to own.

If it were true that the Doctrine of Non-Reſiſtance aſſerted in ſo unlimited a Senſe, as not to except the Revolution, did certainly ſap the Foundation of the ſaid Revolution, and the preſent Eſtabliſhment which was built upon it; if it were true that to arraign, as guilty of black and odious Crimes, all ſuch as had been concern'd in the Reſiſtance at the Revolution, did involve the greateſt Part of the Nation in the Guilt of Rebellion, and Treaſon; if it neceſſarily follow'd, from the ſame Poſitions, that their Allegiance was not due to the preſent Government; he thought they might as neceſſary conclude, that the Doctor's Sermon then before their Lordſhips, did tend, as was ſet forth in the Preamble of the Impeachment, to undermine and ſubvert Her Majeſty's Government, and the Proteſtant Succeſſion, which ſtood on the ſame Foundation.

If the Doctor had in that Sermon only preach'd up Obedience to the Supreme Power, as a Chriſtian Duty, without medling with Politicks, he might have been allow'd perhaps

† *Ec. Polity*, Pag. 86, 444, 446, 470.

to have pleaded for Excuſe, that he was ignorant of the Conſequences that might be deduc'd from ſuch general Propoſitions; that his only Aim had been Charity, Peace, and Submiſſion to the Magiſtrates in being. Their Lordſhips muſt therefore be pray'd to compare one part of his Sermon with the other: And he was perſuaded they would then be of Opinion with him, not only that the Concluſion drawn from his Poſitions, did neceſſarily flow from them, but that the Doctor himſelf muſt have been conſcious of it, and conſequently that what he had done, muſt have been, as ſet forth in the Charge, *with a wicked and malicious Intention.*

For had the Doctor, in the remaining of his Sermon, preach'd up Peace, Quietneſs, and the like; and ſhewn how happy the Subjects were under Her Majeſty's Adminiſtration; and exhorted Obedience to it; he had never been call'd to anſwer a Charge at their Lordſhips Bar. But the Tenor of all his ſubſequent Diſcourſe, was one continu'd Invective againſt the Government. Paſſive-Obedience was ſet down as an indiſpenſable Duty: But it was evident, by the whole Sermon, that it was not due to Queen *ANNE*, or Her Adminiſtration. Then what could that be, but to uſher in *a rightful Title* (he thought they call'd it) of one on the other ſide the Water?

That there was ſuch an Affinity between the Sermon, and the Doctrines preach'd and propagated by a certain Set of Men, that he could not but obſerve to their Lordſhips on that Occaſion, how Induſtrious they had been ever ſince the Revolution, to prepare a Way for another. They were the pure and undefil'd Church of *England!* The only Men of loyal and ſteady Principles! They never had taken the Oaths to the Government; never bent their Knee to *Baal!* They had their own Archbiſhops, Biſhops and Paſtors, and conſtituted the only true and pure Church of *England!* The reſt were Schiſmaticks, that is, all the reſt of *England* were Schiſmaticks, Hereticks and Rebels! He therefore deſir'd to know what were the peculiar and diſtinguiſhing Characteriſticks, the Favourite and Darling Tenets of thoſe Men? What elſe but *Paſſive-Obedience, Jus Divinum*, an *Hereditary, Indefeaſable Right of Succeſſion*, which no Neceſſity, no Act of Parliament, no Preſcription of Time, no natural or legal Incapacity, could ever invalidate or ſet aſide? If they were in the right, (ſaid he) what were the Conſequences? The Queen was not Queen: Their Lordſhips were no Houſe of Lords, for they were not duly ſummon'd by a Legal Writ; They themſelves were no Houſe of Commons, for the ſame Reaſon: All the Taxes rais'd for twenty Years paſt had been arbitrary and illegal Extortions: All the Blood of ſo many brave Men, who had died (as they thought) in the Service of their Country, had

been

been ſpilt in Defence of an Uſurpation; and they were only ſo many Rebels and Traitors.

If thoſe *Puritans*, (ſo he thought he might call them) thoſe undefil'd pure Church-men, would confine themſelves to their own Conventicles, to get Money from a few deluded Women; it might perhaps be conſiſtent with the Indulgence of the mildeſt of Governments, to ſuffer them to enjoy the Benefit of that Toleration, which was allow'd to Proteſtant Diſſenters, how pernicious and deſtructive ſoever to the Publick their Principles might be. But when they came and vented their Treaſons abroad; when they occaſionally conform'd, and took the Oaths to the Government, in order the better to deſtroy it; when they abjur'd the Pretended Prince of *Wales*, but did not forget him; when they invaded the Pulpits of the true Church of *England*; when the Pulpit of the Metropolis, inſtead of teaching the People to pay their Anniverſary Tribute of Praiſe and Thanks to Almighty God for the many wonderful Succeſſes with which he had bleſs'd thoſe Arms which were taken up in Defence of the Revolution: When (he ſaid) that Pulpit was proſtituted and polluted by venting Sedition againſt the beſt of Queens; it was high Time for their Lordſhips to animadvert upon it, for the Honour of thoſe glorious Princes who were dead, for the Honour of Her Majeſty, who ſo happily rul'd over them, and for the Peace and Tranquility of all Her Subjects.

Were he not afraid of being thought too tedious to their Lordſhips, he would have offer'd to them a few Words, concerning that Adminiſtration which the Doctor had ſo maliciouſly defam'd; for as fond as that Gentleman, and thoſe like him, were of medling with Politicks in the Pulpit, and, as himſelf expreſs'd it, *of ſetting the People right in their Principles*; he did not find they ever taught what the Ends of Government truly were.

He told the Lords, That *Tully*, who took it from *Ariſtotle*, ſtated the ultimate End of Government, and the Mark which Rulers ought to aim at, to be *Otium cum Dignitate* †, or Peace with Reputation. That towards attaining that End, he enumerated the ſeveral Particulars which the greateſt Application and Vigilance of good Governors is requir'd to promote and maintain. And the chief Branches, as he ſtated them, were Religion; the juſt and legal Powers and Rights of the Legiſlative, and of the Magiſtrates ſubordinate to that; a due Adminiſtration of Juſtice; the publick Treaſure and Credit; Military Vertue; and concluded with *Leges Publica*; which indeed was the Reſult of a good Adminiſtration of the ſeveral Branches mention'd. For Praiſe both at Home and Abroad could never fail to attend good Management. If

† *Oratio pro Publio Sextio.*

If then any Man would but reflect on every one of those Particulars, and instance when in any Age a more universally glorious Administration in this Island, he would allow what the Doctor said to be true.

To begin with Religion, any one might look upon that Reverend Bench, and say when it had been ever fill'd with greater Examples of Piety, Learning, and Christian Charity. That truly Christian Moderation, and extensive Zeal and Charity to the Protestant Religion, would in all human Probability, (if little Animosities did not obstruct it) raise the Lustre and Reputation of the Church to such a Degree, that, as the Glory of its Arms just intitl'd the Nation at that Time to hold the first Rank, so should the Church be look'd upon as the Mother of all the Reform'd Churches in *Europe*.

As to the just Rights and Powers of the Legislative, their Lordships, and all of them knew, whether ever any Prince on the Throne, had a more tender Concern for them than Her Majesty, or whether at any time there had been a more due and impartial Administration of Justice.

For the Treasure and Credit of the Nation, he appeal'd to all that heard him, whether ever such large Sums had been more chearfully given, or more justly administer'd. There never having been greater Demands than during that necessary War; nor ever Demands more freely comply'd with by the People. Such was the Confidence they had in the publick Management, and so ineffectual that Doctor, and his Brethren's sounding a Trumpet to Sedition.

As for their Arms, and Reputation; the many unparallel'd Successes, during her Majesty's Reign, by Sea and Land, spoke sufficiently, and did sufficiently proclaim, that Her Majesty had far exceeded all Her Predecessors. That the *Henrys* and *Edwards* had justly left behind them Immortal Fame, for having broke, and subdu'd, in their Times, the Power of *France*. And Queen *Elizabeth* would be ever Glorious for having humbled the Pride of *Spain*. That those two great Monarchies had each in their Turn aim'd at the Universal Monarchy of *Europe*, and each had been near compassing it, notwithstanding that the one always oppos'd the other. But it could never be imagined, that if they once became united, any Force in *Europe* could have disputed with them. Yet, they had liv'd to see those two formidable Powers united, and threatning Destruction to all the Liberties of *Europe*. It was a Task reserv'd for Her Majesty to encounter that united Force. She had attacked, and reduc'd them to sue for Peace; and they were then perhaps at that very decisive Period of Time, when they were to reap the Fruits of a long and expensive War, by the Conclusion of a solid and lasting Peace.

At such a critical Juncture, added the Major-General, at a Time

That when it behov'd him more than ever to preserve that Union amongst us at Home, upon which the Union of the whole Alliance did so much depend, upon which the happy Conclusion of the War, and consequently the Safety and Honour of the Church and State did depend; what had that Pious Son of the Church, that Loyal Subject, that Passive-Obedience Gentleman done? He was preaching to the City of *London*, from whence the greatest part of the Supplies granted for carrying on the War were to be receiv'd. Had he said one Word more to them to promote, and carry on the Publick Good? No, He had, to the utmost of his Ability, endeavour'd to create in them groundless Mistrusts and Jealousies of the Administration. And Mr. *Stanhope* appeal'd to the Conscience of every one that heard him, and desir'd that laying their Hand upon their Heart, they would truly determine within themselves, whether, if those Citizens who heard that Sermon had been byassed by it, one Penny of Money could have been expected from them, to support a Government which was represented so odious. But those honest Citizens heard that Trumpeter of Sedition with Indignation. Their Affection to the Government was not to be shaken. Her Majesty was absolute in the Hearts of Her Subjects; which was the best way of being Absolute: And all the artificial Suggestions of those *False Brethren* (to use the Doctor's own Language) would never lessen their Affections to Her.

Yet, how impotent and weak soever the Malice of those Men might prove, when such Doctrines were broach'd, and publickly preach'd, as tended to inslave a free Nation, to foment Divisions and Parties, to seduce the Subjects from their Allegiance to the best of Princes; it became the House of Commons, who were Guardians of the Constitution and Liberties of the People, to bring such Delinquents to Justice; and it would become their Lordships, who were Guardians of the Constitution of the People, to prevent the growing of such an Evil. That Man, he said, was an inconsiderable Tool of a Party; no Ways worth the Trouble they had given their Lordships: But they look'd upon it that their Lordships Judgment in that Case, would be giving a Sanction which should determine what Doctrines of that kind should or should not be preached. They were therefore perswaded that their Lordships in giving Judgment on that Case, would have a Regard to the Honour of the late King and Queen, so highly aspers'd; to the Security of Her Majesty and Her Government; to the Protestant Succession; to the Preservation of the Peace at Home, and Reputation Abroad; where if it should be heard that they had Men, amongst them, insolent enough to vent such Notions, they might likewise hear that it had not been done with Impunity. For all those Reasons, they hop'd, That their

Lordships

Lordſhips would inflict ſuch condign Puniſhment on that Offender, as might deter others from the like Inſolence for the future.

So much having been ſpoken to the firſt Article, Sir *Peter King* began to make out the Second: That, the Gentlemen who had gone before having finiſh'd the Article of the Impeachment, by Command of the Houſe of Commons, he proceeded to make out the ſecond, which related to the Toleration, one of the principal Conſequences of the Revolution. That it is well known how great Severities had been formerly us'd againſt Proteſtant Diſſenters, being fomented by Popiſh Practices, in order to divide the Nation, and thereby weaken the common Proteſtant Intereſt, and particularly that of the Church of *England:* Which the whole Church of *England* plainly ſaw in the Reign of the late King *James*, when Popery was coming in like a Flood, and threatned an univerſal Ruin; and then they had univerſally profeſs'd their Readineſs and Intention to ſhow all manner of Tenderneſs to other Proteſtants, when it ſhould be in their Power to do it.

That the ſeven Biſhops, who, to their everlaſting Honour made ſo noble a Stand for the Liberties of the Church and Kingdom, had in their Petition to King *James* declar'd, that their not reading the Declaration for Liberty of Conſcience was not from any want of due Tenderneſs to the Diſſenters, in relation to whom they were willing to come to ſuch a Temper as ſhould be thought fit, when that Matter ſhould be conſider'd and ſettled in Parliament and Convocation.

And to the Glory of the Church of *England*, it ought to be remembred, that when the Revolution was afterwards effected, they had been as good as their Word, and an Act paſs'd, in the very firſt Year of their late Majeſties King *William* and *Mary*, Intituled, *An Act for exempting their Majeſties Proteſtant Subjects, diſſenting from the Church of* England *from the Penalties of certain Laws.* And that was the Act commonly call'd, *The Act of Toleration*, and had been confirm'd by another Act made in the ſucceeding Parliament. As that Act was agreeable in itſelf to the Profeſſion of the Chriſtian Religion, and particularly to the Doctrine of the Church of *England*, ſo it had been found by Experience ſo much for the Honour of the Kingdom, and for the Credit of the Church, that Her Majeſty had been pleas'd to declare from the Throne, her Intention inviolably to maintain it, and both Houſes of Parliament had done the ſame in the moſt ſolemn Manner.

The Duke of Buckingham *now moving the Lords to adjourn to their own Houſe, they did ſo; being returned to the Court and Proclamation commanding Silence made;*

The

The *Lord-Chancellor* told the Managers for the House of Commons, they might proceed in the Method they were in.

And Sir *Peter King* went on with his Discourse to the Lords, telling them, That the Act of Parliament he was mentioning to them, was the Act relating to the Toleration, referr'd to in the Preamble to the Articles; that their Lordships, and every one else, remember'd the Necessity there had been for that Act, and having experienc'd the Benefit of it, Her Majesty and both Houses of Parliament had concurr'd in a Declaration, that the said Act should be inviolably observ'd: That being then not only a positive Law, but also a beneficial One, as well for the Benefit of the Church in particular, as the Welfare and Support of the Protestant Interest in general, it very ill became any private Person to endeavour to bring that Law, by any publick Discourse, into Contempt or Disrepute.

That the Article the Doctor was charg'd with, in Relation thereto, was, *That he suggested and maintain'd, That the Toleration granted by Law, was unreasonable, and the Allowance of it unwarrantable*; *and asserted, that he was a False Brother, with Relation to God, Religion, and the Church, who defended Toleration and Liberty of Conscience*; *that Queen* Elizabeth *had been deluded by Archbishop* Grindall, *whom the said Doctor scurrilously call'd a False Son of the Church, and a perfidious Prelate, to the Toleration of the* Genevian *Discipline*; *and that it was the Duty of superior Pastors to thunder out their Ecclesiastical Anathema's against Persons intitl'd to the Benefit of the said Toleration, and insolently dar'd and defy'd any Power on Earth to reverse such Sentences.*

That the first Part of that Article, which was the principal Part, contain'd a general Charge against the Doctor, for affirming and maintaining, *That the Toleration granted by Law was unreasonable, and the Allowance of it unwarrantable.* The rest of the Article consisted of particular Passages, taken out of his Sermon, tending to make good and prove that general Charge.

As to the general Charge contain'd in the first part of that Article, of his maintaining the Toleration granted by Law to be unreasonable, and the Allowance of it unwarrantable: His Answer was very observable, and was, That upon the most diligent Enquiry he had not been able to inform himself that a Toleration had been granted by Law; but admitted, that an Act in the first Year of King *William* and Queen *Mary*, Intituled, *An Act for Exempting their Majesties Protestant Subjects, dissenting from the Church of* England, *from the Penalties of certain Laws.* Which Exemption, he said, he did not any where maintain to be unreasonable, or the Allowance of it unwarrantable; but hop'd that he had prevented any such Misapprehension

apprehenſion, by declaring, in his Sermon preach'd at *St. Paul's*, that he intended not to caſt the leaſt invidious Reflection upon that Indulgence which the Government had given.

That it was almoſt difficult to be ſerious in giving a Reply to that part of his Anſwer, That he could not inform himſelf that a Toleration had been granted by Law: It was true, the Word Toleration was not mention'd in that Act, neither was the Word Indulgence to be found in that Law; but every Body knew that the Exemption granted by that Act was commonly call'd *The Toleration*, and the Act it ſelf, *The Toleration Act*: And what was the Intent of that Act, but to tolerate and allow Perſons, qualify'd by that Act, to exerciſe their Religion, notwithſtanding Penal Laws to the contrary. That Toleration was really a Word of leſs Import than Indulgence, it was a bare Permiſſion, and Allowance; and that Word had gain'd ſuch a known and fix'd Notion and Signification in every ones Mind, that whenever it was mention'd, there was not any Doubt what was meant by it: It was then become a Word of Art, that not only in common Converſation, but even in the moſt publick Acts of State, the Exemption granted by the Act made in the Firſt of King *William* and Queen *Mary* was call'd *The Toleration*: Had not Her Majeſty, in Her Speech to both Houſes of Parliament from the Throne, in the Year 1705, declar'd that ſhe would always inviolably maintain *the Toleration*? Had not both Houſes of Parliament, in their ſeveral Addreſſes to Her Majeſty for that moſt gracious Speech, expreſs'd their deep Satisfaction of Her Majeſty's Reſolution to maintain *the Toleration*? In the free Conferences between the Lords and Commons about the Bill for preventing Occaſional Conformity, in the Year 1702, was not that Act of the 1ſt of *William* and *Mary*, call'd *the Act of Toleration*, and the Exemption granted by that Act call'd *the Toleration*? So that it ſeem'd ſtrange the Doctor ſhould not know that a Toleration had been granted by Law; and it was more ſtrange yet, when he himſelf, in that very Sermon, call'd the Indulgence granted by that Act, *the Toleration*.

That in the 14th Page of his Sermon, where he was complaining of falſe Brethren in the Kingdom, who were permitted and ſuffer'd to combine into Bodies and Seminaries, wherein Atheiſm, Deiſm, Tritheiſm, and Socinianiſm, and many other wicked Principles were taught; he concluded thus, *Certainly the* Toleration *was never intended to indulge and cheriſh ſuch Monſters and Vipers in our Boſom.* Then what was it poſſible for the Doctor to mean in that place, by the *Toleration* but the Indulgence, as he call'd it, granted to the Diſſenters by the Act of 1 *Gul. & Mar.*

And in the 19th Page of his Sermon, ſpeaking of the Diſſenters,

tern, the Doctor said, *Now they have advanced themselves from the Religious Liberty our gracious Sovereign has indulg'd them, to claim a Civil Right, as they term it, and to jostle the Church out of Her Establishment, by hoisting* their Toleration *into its Place:* What could he possibly mean here by those Words, but that Toleration, or that Indulgence, which had been granted in the Time of the late King and Queen to the Dissenters? So that it was plain, that when he made, and preach'd, and publish'd that Sermon, he knew very well, that the Indulgence granted by the Law made in the First of King *William* and Queen *Mary*, was commonly call'd *the Toleration*; and that Toleration, granted by that Law, was that which the Commons in their Impeachment said, he maintain'd to be unreasonable, and the Allowance of it unwarrantable; and that was what he had been to make out and prove.

Yet he must do the Doctor Justice to own, that Page 20 of his Sermon preach'd at St. *Paul's*, he us'd these Words, referr'd to by him in his Answer, viz. *I would not here be misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give them, which I am sure all those that wish well to our Church are very ready to grant to Consciences truly scrupulous; let them enjoy it in the full Limits the Law has prescrib'd.*

That The Doctor, by putting in that Caution, seem'd himself to be apprensive, his Words were otherwise in danger to be esteem'd a Reflection upon that Indulgence or Toleration the Government had given; having just before commended the Severities that were us'd in the Reign of Queen *Elizabeth* against the Dissenters, which could not be spoken in Commendation of the Toleration, but would reasonably be understood to be a Condemnation of it, because it remov'd and took away those Severities, he then subjoin'd the forementiou'd Passage; which dry Caution would not excuse the Doctor, if in the other Parts of his Sermon he did visibly and plainly condemn the Toleration, and Censure it as unreasonable, and the Allowance of it unwarrantable; which that the Doctor did, he should endeavour to prove from other direct and formal Passages in his said Sermon.

That the first Passage he should cite to that purpose was in the 10th Page of the Sermon, and in these Words; *So that, in all those Cases before mention'd, whosoever presumes to innovate, alter, or misrepent any Point in the Articles of the Faith of our Church, ought to be Arraign'd as a Traytor to our State; Heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring Rebellion and High-Treason in the other, and consequently a Crime that concerns the Civil Magistrate, as much to Punish, and Restrain, as the Ecclesiastical.* Sir *Peter* said, the beginning of that Passage was tied up to the Cases before-mention'd, *so that in all those Cases before-mention'd,*

mention'd, which being a term of Relation, muſt be expounded in Reference to what went before.

Which Paſſage was contain'd in his ſecond Head of Falſe Brethren, of thoſe who were Falſe Brethren with Relation to the State, Government, or Society of which they were Members; and on Peruſal thereof, he did not find any one Article of the Church before-mention'd under that Head, to which thoſe relative Terms did refer; for all that he ſaid before under that Head was, *That the Conſtitutions of moſt Governments differing according to their ſeveral Frames, and Laws, upon which they were built and founded, it was impoſſible to lay down any one univerſal Rule, as the Scheme and Meaſure of Obedience, that might ſquare to every one of them: Only this Maxim in general he preſum'd might be Eſtabliſh'd for the Safety, Tranquillity and Support of all Governments, That no Innovation whatſoever ſhould be allow'd in the Fundamental Conſtitution of any State, without a very preſſing, nay, unavoible Neceſſity for it; and whoſoever ſingly or in a private Capacity ſhould attempt it, was Guilty of the higheſt Miſdemeanour, and an Enemy to that Politick Body of which he was a Member.*

And then the Doctor apply'd that Maxim to the *Engliſh* Government, ſaying, *Our Conſtitution both in Church and State has been ſo admirably contrived, with that Wiſdom, Weight, and Sagacity, and the Temper, and Genius of each ſo exactly ſuited, and model'd to the mutual Support and Aſſiſtance of one another, that 'tis hard to ſay, whether the Doctrines of the Church of* England *contribute more to Authorize and Enforce our Civil Laws, or our Laws to Maintain and Defend the Doctrines of our Church. The Natures of both are ſo nicely Correſpondent, and ſo happily intermixt, that 'tis almoſt impoſſible to offer a Violation to the one, without breaking in upon the Body of the other: So that in all thoſe Caſes before-mention'd, whoſoever preſumes to alter, innovate, or miſrepreſent any Point in the Articles of the Faith of our Church, ought to be Arraign'd as a Traytor to our State, &c.*

Sir *Peter* told their Lordſhips he had read that whole Paragraph to ſhew, that the Caſes ſaid to be before-mention'd, were not contain'd in that Head of the Sermon, but were plainly contain'd in a former Paragraph, *viz.* In his firſt Head of Falſe Brethren, with relation to God, Religion, and the Church in which they held Communion; under which Head the Doctor enter'd into a long Deſcription of ſuch kind of Falſe Brethren, and enumerated ſeveral Articles and Rites of the Church, the Diſbelievers or Deniers whereof were term'd Falſe Brethren; and amongſt other of his Characters, in *p.* 8. he branded him for being falſe to the Intereſt of the Church, who gave up any point of her Diſcipline and Worſhip; thoſe being the exterior Fences to guard the Internals of Religion, without which

they

they were left naked, without Beauty, Order, or Defence; and should any Man out of Ignorance, or Prejudice to the Ancient Rights and Essential Constitution of the Catholick Church, affirm, *That the divine Apostolical Institution of Episcopacy was a novel Doctrine, not sufficiently warranted by Scripture, and that it was indifferent whether the Church were Govern'd by Bishops or Presbyters:* Were not such an one an Apostate from his own Orders? So that one of the before-mention'd Cases of false Brotherhood was, the affirming that the divine Apostolical Institution of Episcopacy was a novel Doctrine, not sufficiently warranted by Scripture, and that it was indifferent whether the Church were Govern'd by Bishops or Presbyters. This Sir *Peter* declar'd was affirm'd and held by all the Dissenters; and tho' they should be mistaken in their Opinions, yet still it was their Opinion, and they were notwithstanding tolerated, and exempted by the Toleration Act from Subscribing the Six and Thirtieth Article, that the Book of Consecration of Archbishops and Bishops, and of the Ordination of Priests and Deacons, set forth in the times of King *Edward* the Sixth, contain'd in all things necessary to their Consecration and Ordination, and had nothing in it either Superstitious or Impious: And yet notwithstanding that Innovation or Alteration of the said Article of the Church by the Dissenters, the Law did nevertheless Tolerate and Indulge them.

But the Doctor was of another Opinion, and affirm'd, That whoever Innovated, Alter'd, or Misrepresented that Point in the Articles of the Faith of the Church, ought to be Arraign'd as a Traitor to the State, and ought to be punish'd, as well by the Temporal, as the Ecclesiastical Magistrate; for he went on, and carry'd it yet a great deal further, by the Reason he gave for his Assertion, which was, *Heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring, Rebellion and High-Treason in the other; and consequently a Crime that concern'd the Civil Magistrate, as much to Punish and Restrain, as the Ecclesiastical.* This Sir *Peter* said was an Assertion to the Purpose; that Heterodoxy, that is, the holding a different Opinion from any Article of the Faith of the Church, did naturally produce, and almost necessarily infer Rebellion and High-Treason in the State, and consequently a Crime that concern'd the Civil Magistrate to punish, as well as the Ecclesiastical. Yet the Doctor himself, in the immediate subsequent Words, did own, That this Assertion at first View might look like an high-flown Paradox, and Sir *Peter* believ'd it would still appear to be so upon a Review, That whosoever was of a different, or other Opinion, in any of the Articles of the Faith of the Church, was guilty of High-Treason, and the Temporal, as well as the Spiritual Magistrate, ought to punish him as a Traitor for it. That

the Articles of the Church were in number Thirty nine; ſome of the Diſſenters were by the Act of Toleration exempted from Subſcribing three and a half of them, *viz.* The 34th Article, relating to the Traditions and Ceremonies of the Church, and the Power of the Church to ordain, change, and aboliſh Ceremonies and Rites: The 35th Article, concerning the Book of Homilies, and reading of them in Churches: The 36th Article, concerning the Conſecration of Archbiſhops and Biſhops, and the Ordination of Prieſts and Deacons; and the former Part of the 20th Article, which aſſerts the Power of the Church to Decree Rights and Ceremonies, and Authority in Controverſies of Faith. That other Diſſenters, who ſcruple the Baptizing of Infants, were alſo exempted from Subſcribing that part of the 27th Article which relates to Infant Baptiſm; and the Quakers were exempted from Subſcribing any of the Articles, and only requir'd to Subſcribe a ſhort Declaration of the Trinity, and that the Scriptures were given by divine Inſpiration. That all thoſe ſeveral ſorts of Diſſenters, notwithſtanding their Heterodoxy in thoſe Points, were exempted by the Toleration Act from the Penalties of the former Laws, and were by that Act preſerv'd in the free Exerciſe of their Religion or Worſhip; and not only the Penalties inflicted on them by former Laws were taken away, but ſeveral Immunities and Privileges given them, as an Exemption of their Teachers from Pariſh Offices, and a Penalty for diſturbing their Congregations: When ſo much was Eſtabliſh'd by a Law, and that Act of Toleration in full force, for the Doctor nevertheleſs to affirm, that Heterodoxy, or a diſſerent Opinion from any of the Articles of Faith of the Church, almoſt neceſſarily inferr'd Rebellion and High-Treaſon in the State, and was a Crime that concern'd the Civil Magiſtrate to puniſh, as well as the Eccleſiaſtical; what could be a more direct breaking in upon, and diſavowing of the Toleration than that? Was it to maintain the Toleration granted by Law to be unreaſonable, and the Allowance of it unwarrantable?

That another Paſſage that he ſhould cite to prove the general Charge againſt the Doctor, was in the 16th and 17th Pages of the Sermon, *What could not be gain'd by Comprehenſion and Toleration, muſt be brought about by Moderation and Occaſional Conformity; that is, what they could not do by open Violence, they will not fail by ſecret Treachery to accompliſh. If the Church can't be pull'd down, it may be blown up; and no matter with theſe Men how 'tis deſtroy'd, ſo that it is deſtroy'd.* Where the Doctor was ſpeaking of the great Miſchiefs and Perils of his falſe Brethen to the Church, and to prevent any miſtaken Notions of the Church, he intimated that the true genuine Notion of it was to be underſtood, as it appear'd contradiſtinguiſh'd in its Eſtabliſh'd Doctrine, Diſcipline and Worſhip,

Worſhip, from all other Churches and Schiſmaticks, who would obtrude upon the World a wild Negative Idea of a National Church, ſo as to incorporate themſelves into the Body as true Members of it; whereas that Latitudinarian Heterogeneous Mixture would render it the moſt abſurd, contradictory, and ſelf-inconſiſtent Body in the World: And from thence he proceeded to ſhow that the Deſign of a Comprehenſion had miſcarry'd, and the long projected Scheme of the Eccleſiaſtical *Achitophel*'s been blaſted; and added theſe Words, *But ſince this Model of univerſal Liberty and Coalition fail'd, and theſe falſe Brethren could not carry the Conventicle into the Church, they are now reſolv'd to bring the Church into the Conventicle, which will plauſibly and ſilly effect her Ruin.* And how is that to be done? Why, *What could not be gain'd by Comprehenſion and Toleration, muſt be brought about by Moderation and Occaſional Conformity; that is, what they could not do by open Violence, they will not fail by ſecret Treachery to accompliſh; if the Church can't be pull'd down by Comprehenſion and Toleration, it may be blown up by Occaſional Conformity and Moderation; and no matter with theſe Men how 'tis deſtroy'd, ſo that 'tis deſtroy'd.* Sir *Peter* puts the Queſtion, Whether this be not calling the Toleration an open Violence to the Church? An Attempt made to deſtroy the Church, tho' the Church it ſelf came into, and ſettled that Toleration? He ſaid, the Legiſlature in the time of their late Majeſties King *William* and Queen *Mary*, and particularly the Biſhops, the Fathers of the Church, were very well ſatisfy'd that the Toleration granted to the Diſſenters, was no way prejudicial to the Safety and Security of the Church. And therefore for the Doctor to ſay, that Toleration was intended to pull down the Church, and that it was an open Violence to the Church, was to maintain, that the Toleration was unreaſonable, and the Allowance of it unwarrantable?

He told their Lordſhips, That thoſe Paſſages he had cited to them, did prove the general Charge of that Article: But there were other Paſſages in the Sermon, particularly referr'd to in the Article, which likewiſe prov'd that genetal Charge, to which he ſhould next proceed. And,

The next part of the Charge in the ſecond Article was, That he aſſerted, that he was a falſe Brother with relation to God, Religion, or the Church, who defended Toleration and Liberty of Conſcience.

Which Words were contain'd in ſo many expreſs Terms in the 8th Page of his Sermon, where after he had copiouſly deſcrib'd his falſe Brethren, he came to ſum up the whole in theſe Words; *If upon all Occaſions to comply with the Diſſenters both in publick and private Affairs, as Perſons of tender Conſcience and Piety, to promote their Intereſts in Elections, to ſwab to 'em for Places and Preferment, to defend Toleration,*

and Liberty of Conſcience, and under the Pretence of Moderation to excuſe their Separation, and lay the Fault upon the true Sons of the Church for carrying Matters too high; If to Court the Fanaticks in private, and to bear them with Patience, if not Approbation, Rail at and Blaſpheme the Church, and upon Occaſion to juſtifie the King's Murder; If to Flatter both the Dead and the Living in their Vices, and to tell the World, that if they have Wit and Money enough, they need no Repentance, and that only Fools and Beggars can be Damn'd; If theſe, I ſay, are the modiſh and faſhionable Criterions of a true Church-Man, God deliver us all from ſuch falſe Brethren!

Thus one Mark of thoſe falſe Brethren, in that Part of his Sermon, was to defend Toleration and Liberty of Conſcience. As to which the Doctor had given two Anſwers, one by way of Inference or Preſumption, and the other Direct: That by way of Inference was, *That he having ſo plainly declar'd himſelf in favour of the Exemption granted by Law, when he blam'd thoſe who upon all Occaſions defended Toleration and Liberty of Conſcience, he could not be thought to reflect on the Defenders of that legal Exemption or Indulgence, which he himſelf approv'd and defended.*

If he had not in other Parts of his Sermon condemn'd the Toleration expreſly, that might have paſs'd for an Anſwer; but if the Doctor had more than once in other Parts of his Sermon directly inveigh'd againſt that Toleration, then his Meaning was more naturally to be underſtood by ſo many ſeveral Paſſages, than by one ſingle Sentence, and with what View thrown in, the Reading of the Sermon would plainly ſhew; and therefore the true Way to come at the true Meaning of his Words, was to take them as they ſtood in his Sermon, and that was what their Lordſhips would judge by. In the next place he gave a direct Anſwer to that Part of the Charge, which was, that he did not mean by that Deſcription of a falſe Brother, thoſe who only defended Toleration and Liberty of Conſcience, and do no more, but he only blam'd thoſe who upon all Occaſions defended Toleration and Liberty of Conſcience, and, to excuſe their Separation, laid the Fault upon the true Sons of the Church for carrying Matters ſo high; ſo that I don't reckon him, ſaid he, as a falſe Brother who barely defends Toleration and Liberty of Conſcience, except that at the ſame time that he is defending Toleration, he lays the Fault of the Separation upon the true Sons of the Church for carrying Matters too high. Sir *Peter* ſaid, He ſubmitted to their Lordſhips, upon reading of that Paſſage, whether it was capable of ſuch an Interpretation: Which if look'd into, it would appear that the ſeveral particular Characters there mention'd were all of them ſo many particular Marks of a falſe Brother; for it was not neceſſary two, or

three,

three, or all of them should meet together in one Person to make up the Character of a false Brother; but if any one of them were found in any Person, 'twas sufficient to Characterize him a false Brother: Whoever was guilty of any one of those Acts, of which defending Toleration was one, was a false Brother; and his asserting the Defending of Toleration to be a Mark of a false Brother, was an evident Declaration against the Justice and Expediency of the Toleration.

That the next particular Charge upon him in that Article was for asserting, *That Queen* Elizabeth *had been deluded by Archbishop* Grindall, *whom he scurrilously call'd a false Son of the Church, and a perfidious Prelate to the Toleration of the* Genevian *Discipline.* Which Charge upon him was founded on the Words of his Sermon, in the 19th Page; which are these: *Have they not, ever since their first unhappy Plantation in this Kingdom, by the Intercession of that false Son of the Church, Bishop* Grindall, *always improv'd, and rise upon their Demands in the Permission of the Government? Insomuch that Queen* Elizabeth, *who was deluded by that perfidious Prelate to the Toleration of the* Genevian *Discipline, found it such an headstrong and encroaching Monster, that in eight Years She foresaw it would endanger the Monarchy, as well as the Hierarchy; and like a Queen of true Resolution, and pious Zeal for both, pronounc'd, That such were the restless Spirits of that factious People, that no Quiet was to be expected from them, 'till they were utterly suppress'd: Which, like a prudent Princess, She did by wholesome Severities, that the Crown for many Years sat Easie and Flourishing on her Head.*

That as to the Part of his Charge where he said, That Queen *Elizabeth* was deluded to the Toleration of the *Genevian* Discipline by Archbishop *Grindall*, the Doctor answer'd.; *That he humbly conceiv'd he had good Authority from the Histories and Monuments of those Times for such Assertion; but whether he had, or had not, he humbly apprehended such Assertion to be no Proof of his Maintaining or Suggesting, That the Exempting of Protestant Subjects, dissenting from the Church of* England, *from the Penalties of certain Laws, granted by an Act made in the first Year of the Reign of King* William *and Queen* Mary, *(which Exemption he suppos'd to be intended by the legal Indulgence, or Toleration granted to Dissenters, mention'd in the Preamble of the Articles, and by the Toleration granted by Law mention'd in the Second) was unreasonable, or the Allowance of it unwarrantable.*

Sir *Peter* thought it not difficult to shew that there are some Mistakes in that Fact, but whether there were or no, would not be then worth spending their Lordships Time; for he did agree with him, That the material Point was what he put it upon, whether that Assertion, as printed and deliver'd by him

in his Sermon, were a Cenſure or Condemnation of the Toleration Act. And whether it were ſo or no, would appear by taking the whole Clauſe together. That Paſſage was in the 19th and 20th Pages, and in that part of his Sermon wherein he was ſhewing the great Perils and Miſchiefs of his Falſe Brethren to the State, and that they were Deſtructive to the civil Rights and Liberties; and in the purſuit of his Argument he plainly ſhewed that the Falſe Brethren there meant were the Diſſenters, who had been Tolerated by that Act of Parliament. His Words were, *Theſe Falſe Brethren, have now advanc'd themſelves from the Religious Liberty, our Gracious Sovereign has indulg'd them, to claim a Civil Right, and to Juſtle the Church out of her Eſtabliſhment, by boiſting their Toleration into its Place.* So that 'twas plain, thoſe Falſe Brethren there ſpoken of, were the Diſſenters, thoſe who have the Benefit of the Toleration Act. And then he went on; *And to convince us what alone will ſatisfie them, inſolently demand the Repeal of the Corporation and Teſt Acts, as an Eccleſiaſtical Uſurpation, which indeed under her Majeſty (whom God long preſerve for its Support and Comfort) is the only Security the Church has to depend upon; and which they have ſo far eluded by their abominable Hypocriſie, as to have undermined her Foundations, and endanger the Government, by filling it with its profeſs'd Enemies. Theſe Charges are ſo flagrant and undeniable, that a Man muſt be very weak, or ſomething worſe, that thinks or pretends the Diſſenters are to be gain'd or won over by any other Grants and Indulgences, than by giving up our whole Conſtitution: And he that recedes the leaſt Tittle from it, to ſatisfie or Ingratiate with theſe Clamourous, Inſatiable and Church-devouring Malignants, knows not what Spirit they are of, or he ought to ſhew who is a true Member of our Church.*

He ſaid, he had read thoſe Paſſages to their Lordſhips, to ſhew that thoſe Falſe Brethren there ſpoken of, were the Diſſenters, then Tolerated by the Law granted to them in the time of their late Majeſties King *William* and Queen *Mary*; and of thoſe Diſſenters follow'd that Paſſage: *Have they not, ever ſince their firſt unhappy Plantation in this Kingdom, by the Interceſſion of that Falſe Son of the Church, Biſhop* Grindall, *always improv'd, and riſe upon their Demands in the Permiſſion of the Government? Inſomuch, that Queen* Elizabeth, *that was deluded by that perfidious Prelate to the Toleration of the* Genevian *Diſcipline*, (that is the Diſciplipe and Polity of the Diſſenters, ſo call'd becauſe brought from *Geneva*) *found it ſuch a Headſtrong and Encroaching Monſter, that in eight Years ſhe foreſaw it would endanger the Monarchy, as well as the Hierarchy; and, like a Queen of true Reſolution and pious Zeal for both, pronounc'd, That ſuch were the reſtleſs Spirits of that Factious People, that no Quiet was to be expected from them,*

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'till they were utterly Suppreſs'd; which, like a prudent Princeſs, ſhe did by Wholeſome Severities, that the Crown for many Years ſat Eaſie and Flouriſhing on her Head.

In this memorable Paſſage Sir *Peter* told the Lords, the Doctor had repreſented Archbiſhop *Grindall* as a Falſe Son of the Church, and a perfidious Prelate, for deluding the Queen into a Toleration of the *Geneviau* Diſcipline. Whether that Fact were true, or not, he ſaid, was not material to their Purpoſe; but this was, that he charg'd it as a Fault on the Archbiſhop, and for which he call'd him a Falſe Son of the Church, and a perfidious Prelate, for inducing the Queen to give a Toleration to the Diſſenters in thoſe Days: That the Fault was not, its being a Toleration only, but the Fault was in the Toleration it ſelf, in conſenting to a Liberty to the Diſſenters. Now what was this in Effect, but to Preach to the whole World, That the Parliament were in the wrong to grant a Toleration to the Diſſenters; That the Lords and Commons, who conſented to the Toleration, were not true Sons of the Church; And that the Biſhops, who were for Tolerating the Diſſenters, were neither Fathers nor Sons of the Church, but corrupt and perfidious Prelates?

That the ſaid Character of Archbiſhop *Grindall* had been deſign'd for a Cenſure of the preſent Toleration, as would appear more fully by the contrary Character he gave of Queen *Elizabeth*; where he commended *Her Reſolution and pious Zeal for the Monarchy and Hierarchy, in declaring that no Quiet was to be expected from the reſtleſs Spirits of that Factious People, 'till they were utterly ſuppreſs'd; which, like a prudent Princeſs, ſhe did by ſuch Wholeſome Severities, that the Crown for many Years ſat Eaſie and Flouriſhing on her Head.* And what could the *Engliſh* of all that be, but to inflame the Government againſt the Diſſenters? What could be ſaid more prevailent for that purpoſe, than to recommend it as a noble Reſolution and pious Zeal in Queen *Elizabeth*, utterly to Suppreſs the Diſſenters? And if that Reſolution were to be followed, the Legiſlature ought to Repeal the Toleration Act; and what could be ſaid more contrary to the Toleration Act, than to recommend the Severities us'd in Queen *Elizabeth*'s Reign, becauſe they were Wholeſome in themſelves, and of happy Conſequence to the Perſon and Government of that Renowned Queen. That if there were not a Neceſſity for it on that Occaſion, he would not mention what Wholeſome Severities thoſe had been, but rather caſt a Veil over that Part of the Reign of that Great and Glorious Queen.

But to give a ſhort View of thoſe Wholeſome Severities; ſome Hereticks had been burnt, other Perſons hang'd, ſome had their Goods Confiſcated, others their Perſons impriſon'd; and to mention more particularly a publick Act in Writing that could not be falſified or miſrepreſented, and which had been

been since relax'd by the Toleration Act, an Act had pass'd in the 35th Year of Queen *Elizabeth*, Intituled, *An Act to retain the Queen's Majesty's Subjects in their due Obedience*; by which the Dissenters were among other Penalties, to Abjure the Realm in Forty Days, or suffer Death without Benefit of the Clergy.

That the said Penalty of Abjuration of the Realm had been taken from the ancient Common Law of *England* in relation to Felony, by which if a Man committed any Felony, excepting Sacriledge, and fled to a Parish Church, he might within forty Days before the Coroner confess the Felony, and take an Oath to Abjure the Kingdom for ever; and if he so confess'd and took that Oath, he was thereby Attainted of the Felony, and then he had forty Days from the coming of the Coroner to prepare for his Voyage, and the Coroner assign'd him such a Port as he chose for his Departure out of the Kingdom; and if he did not go straitway out of the Kingdom, or being gone out did return without License, he had Judgment to be Hang'd, except he was a Clerk, and then he had his Clergy.

This being the Practice the Law call'd Abjuration, and by several Regulations in the Time of *Henry* the Eighth in effect taken away, the Revival of which Practice had been thought a Wholesome Severity, fit to be inflicted on the Protestant Dissenters of those Times, and therefore the 35th of Queen *Elizabeth* did Enact, That if any Person obstinately should refuse to repair to some Church or Chappel, or usual Place of Common-Prayers, and forbear by the space of a Month to hear Divine Service, and should after forty Days from the End of that Session of Parliament willingly be present at any Conventicle or Meeting, under pretence of Religion, contrary to the Laws and Statutes of the Realm, that then such Person should be committed to Prison 'till he should conform and come to Church; and if within three Months after Conviction he should not conform and come to Church, and make his publick Confession and Submission, being thereunto requir'd according to the Form of the said Act, that then such Offender should Abjure the Realm; and if being requir'd, he should refuse to make such Abjuration, or should not depart the Realm, within the Time appointed after such Abjuration made, or should return without the Queen's Licence, after such Departure then, in every such Case, every Person so offending should be a Felon without Benefit of Clergy. So that the Abjuration inflicted on Protestant Dissenters by that Act, was worse than Abjuration for Felony at the Common Law; in that the latter had the Benefit of Clergy, and the former had not.

This he said was one of the Severities of Queen *Elizabeth*'s Reign, and whether it were a Wholesome Severity or not, humane Nature would determine; but however Wholesome

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it might have been esteem'd in those Days by those who had the Power and Will to Punish others, yet the Legislature had, in express Terms declar'd it Unwholesome for these Times, and the Toleration Act did expressly and by name exempt the Protestant Dissenters from the Penalties of that Act of the 35th of Queen *Elizabeth*.

That when the Toleration Act had granted such Exemption, for the Doctor to come and publickly represent an Archbishop as a False Son of the Church, and a perfidious Prelate, for being for the Toleration of Dissenters in his Time, and at the same Time to recommend the Resolution and pious Zeal of Queen *Elizabeth*, for declaring that she would utterly Suppress them, and her great Prudence in exercising Wholesome Severities against them, which were of happy Consequence to her Person and Government; What could have been said more against the Toleration Act, than that was? The Toleration Act exempting the Dissenters from the Penalties and Severities inflicted in Queen *Elizabeth*'s Reign; the Doctor recommending them all again, as wholesome and necessary. Whence any Person might judge whether that were not an Express Declaration against the Toleration Act.

That there was yet one thing more charg'd upon the Doctor in that Part of the Second Article, *viz.* That he scurrilously call'd Archbishop *Grindall* a False Son of the Church, and a perfidious Prelate, for deluding Queen *Elizabeth* to the Toleration of the *Genevian* Discipline. Whether that consider'd abstractedly by it self, were in Law a Crime, or not, was not necessary for him there to examine. The Doctor indeed conceiv'd, that no Words spoken of an Archbishop, above one hundred and twenty Years since deceas'd, would in Construction of Law amount to an High Crime and Misdemeanor: Whether it were so or not, in himself, he should not take Notice at that Time; because he only took it as an Aggravation of the Crime charg'd upon him, and to shew his Zeal against the Toleration; that he had not been contented with Censuring the Toleration it self, but had rak'd into the Ashes of an Archbishop, that had been in his Grave 120 Years, and blacken'd his Memory because he had been for the Toleration of those People, who were then by Law tolerated.

He was willing on that Occasion to say a Word or two to the Memory of that Archbishop; Of whom the Doctor said, he had been under the Displeasure of Queen *Elizabeth*; which was very true; and the said Doctor pretended the Occasion of his being under her Displeasure, had been for permitting Innovations to be obtruded upon the Church; those Innovations being no other than what several other Bishops at the same Time, likewise practis'd, and some Bishops since had done not much unlike; it had been for encouraging the Meetings

ſings and Exerciſings in thoſe Days call'd Prophetyings, which were Meetings of the Clergy to improve one another in the Knowledge of the Scriptures, and tended to make a Learned and Induſtrious Clergy. This had been repreſented to the Queen, and prov'd the viſible Cauſe of his Diſgrace: But the true Reaſon of his Diſgrace, as Hiſtorians ſaid, ſprung from the Hatred of the Earl of *Leiceſter*, who was then in great Power and Credit with the Queen, and her great Favourite. The ſaid Earl of *Leiceſter* had caſt a Covetous Eye upon *Lambeth-Houſe*, and would have had the Archbiſhop to have alienated it, but he would not comply with him; which according to the Hiſtorian, made the *Leiceſtrian* Party to Malice him. The Earl had been likewiſe provok'd and incens'd againſt him for another Reaſon, *viz.* for proſecuting one *Julio*, a Phyſician of the Earl's, an *Italian* Phyſician, for having two Wives one of which was the Wife of another Man, with whom he liv'd in Adultery; and for thoſe two Offences againſt the Earl of *Leiceſter*, who then bore a mighty Power at Court with the Queen, that Storm was rais'd againſt him: But, that, for his Life and Doctrine, the Archbiſhop was one of the moſt pious, learned and conſiderable Prelates of that Time: Yet it was very true he was one of thoſe Biſhops, that look'd upon the Exerciſes us'd in thoſe Times by the Clergy, call'd Prophetyings, as very neceſſary for their Improvement, and for the Benefit of the Church; and ſome of the beſt Biſhops of thoſe Times had been of the ſame Opinion. That he was a Man of a moſt exemplary Life, and Converſation, free from the Suſpicion of a Crime. Had in his younger Days been Chaplain, with *Rogers* and *Bradford*, to *Ridley* Biſhop of *London*, who had given this Character of him, That he was known to be a Man of Virtue, Honeſty, Diſcretion, Wiſdom and Learning. That in the Perſecution under Queen *Mary*, when his Maſter and Fellow-Chaplains were burnt for Religion, he became an Exile on the ſame Account, having quitted his Eaſe, Preferments, and Hopes at Home, to enjoy the Liberty of his Conſcience in a Foreign Country, and repair'd to *Strasburg*; and when the Troubles begun at *Francfort*, about the Uſe of the *Engliſh* Service, where the Foundations of the Diviſions that have ſince divided and rent the Church were laid, he was ſo far from diſliking the *Engliſh* Method as to go from *Strasburgh* to *Francfort* to encourage and perſuade the Congregation there to ſubmit to the *Engliſh* Eſtabliſhment, and had ſtuck cloſe to it himſelf all his Life-time: That at his coming home, in the beginning of the Reign of Queen *Elizabeth*, he was very Inſtrumental, in preparing the Liturgy and Book of Common-Prayer; and the firſt Time the *Engliſh* Service Book was introduc'd at St. *Pauls* in *London*, the Privy-Council and great Officers of State, for the greater Solemnity, came to St. *Pauls*, and *Grindall* was appointed

appointed to preach to that great Audience upon that solemn Occasion: That was one of the first five Bishops made by Queen *Elizabeth*, and first Bishop of *London*, afterwards Archbishop of *York*, and lastly of *Canterbury*; and when afterwards by the Earl of *Leicester*'s Artifice, he was under the Queen's Displeasure, yet he had so great an Interest in the Clergy, that even whilst he was under Disgrace at Court, a considerable number of the Convocation, then met, presented an elegant Petition in *Latin* to the Queen to restore him, representing to Her Majesty, that the Archbishop had led a Life free, not only from all Crime, but even from the Suspicion of a Crime; that he had preserv'd his Religion, not only from all Corruption of Popery, but of Schism, and had suffer'd Persecution for Righteousness sake, having wandred abroad in other Countries for the Cause of the Gospel; and wherefore they most humbly besought Her Majesty, not only to lift him up, but to restore the Church to the Archbishop, and the Archbishop to the Church, to her Subjects, to his Brethren, to foreign Nations, and in a word, to all pious People. Such were the Thoughts of the Clergy of the Archbishop at that Time, even when he was under the Displeasure of the Queen, so that there was no Reason for the Doctor to asperse him as a False Son of the Church, or a perfidious Prelate, since it appear'd on the contrary, that he had been a Man universally esteem'd for his Virtue, Piety and Learning.

The last Charge of that Article, he said, was his Asserting, *That it was the Duty of Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons Intituled to the Benefit of the Toleration; and insolently daring or defying any Power on Earth to reverse such Sentences.*

To which the Doctor had answer'd, *That the Persons intituled to the Benefit of the Toleration were not by him mentioned or intended; but if those Expressions in his Sermon must be determin'd to any one sort of Persons, he conceiv'd that the Connection of his Discourse would determine them to those Schismatical and Factious Persons who took Permission for Power, and advanc'd Toleration immediately into an Establishment.*

If it were so, that he meant those Schismatical and Factious Persons, the next *Question*, which would set that Matter in a clear Light, would be, who those Schismatical and Factious Persons were, who took Permission for Power, and advanc'd Toleration immediately into an Establishment; and it was plain from the Passage it self, being in Page 25 of the Sermon, that he meant the Dissenters, who were intituled to the Benefit of the Toleration, as appear'd by his own Words; which were,

If our Dissenters had liv'd in the Times of St. Paul, *they would*

would have brauded him as an intemperate, blot, furious Zealot, that wanted to be sweetn'd by the gentle Spirit of Charity and Moderation forsooth; Schism and Faction are things of Impudent and Incroaching Natures, they thrive upon Concessions, take Permission for Power, and advance a Toleration immediately into an Establishment, and are therefore to be treated like growing Mischiefs, or infectious Plagues, kept at a distance, lest their deadly Contagion spread: Let us therefore have no Fellowship with those Works of Darkness, but rather reprove them; let our Superior Pastors do their Duty in thundering out their Ecclesiastical Anathema's, and let any Power on Earth dare Reverse a Sentence ratified in Heaven. All which the Doctor did in the following part of his Answer, in effect own; for he said,

As to the last Part of the second Article, charging the Doctor with insolently daring or defying any Power on Earth to Reverse the Ecclesiastical Sentences therein mention'd: The said Doctor had answer'd, that the Sentences which he dar'd any Power on Earth to Reverse, were such, and such only, as had been ratify'd in Heaven, and such Sentences he still affirm'd to be by any earthly Power irreversible; and hoped it would not be thought Insolence in him to affirm what he conceived would be Blasphemy in any one to deny; and did further acknowledge himself firmly to believe, that some Sentences Pronounc'd by the Pastors of the Church were ratify'd in Heaven; and that some Persons exempted from Punishment by the particular Laws of the Land, might yet by the Laws of Christ be justly liable to such Sentence; and that Schism, or a causeless Separation from a Church injoining no sinful Terms of Communion, was a Sin, which expos'd the Person guilty thereof to the Censures of the Church.

Therefore the House of Commons had charg'd the Doctor with Insolence, in daring or defying any Power on Earth to Reverse the Ecclesiastical Sentences mention'd in his Sermon, and he by Insinuation had retorted upon them the Charge of Blasphemy: Which the House of Commons thought they had reason to resent, and to call upon their Lordships for immediate Punishment of him for treating them in that manner; but they left it to their Lordships, in what manner they wou'd think fit to do them Justice, in vindicating them against such a Charge. But as to that Passage then before them, he affirm'd, that some Sentences pronounc'd by the Pastors of the Church were ratify'd in Heaven; that some Persons exempted from Punishment by the Laws of the Land, might yet by the Laws of Christ be liable to such Sentence; and *that Schism, or a causeless Separation from a Church injoining no sinful Terms of Communion, was a Sin, which expos'd the Person guilty thereof to the Censures of the Church.* Then what was that but to say,

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The Diſſenters cauſelesly Separating from the Church, which impos'd no ſinful Terms of Communion, were guilty of Schiſm; tho' the Law of the Land had exempted them from Puniſhment for that Schiſm, yet for that Sin they were expos'd to the Cenſures of the Church; thoſe Cenſures, when inflicted, were ratify'd in Heaven; therefore, notwithſtanding the Law of the Land had given them that Exemption, the Eccleſiaſtical Superiors were to do their Duty in thundering out their Anathema's againſt them, and let any Power upon Earth dare to reverſe their Sentences if they can. As to the Power of the Church in Cenſuring or Excommunicating, Sir *Peter King* thought it not neceſſary for him to ſay any thing of it upon that occaſion: But the Doctor was a Miniſter of the Church of *England*, who had ſubmitted to the Queen's Supremacy, and by the Canon was bound to maintain and preach the Queen's Supremacy; Her Majeſty was Supreme over all Cauſes, and over all Perſons as well Eccleſiaſtical as Civil; and by an Act of Parliament made ſince Her Majeſty's happy Acceſſion to the Crown, *viz.* the Act relating to Her Majeſty's Bounty for the Augmentation of the Maintenance of the poor Clergy, ſhe had been Owned and Recogniz'd to be the only Supreme Head on Earth of the Church of *England*; Her Majeſty had by Law a Supreme controling Power over all the Cenſures and Excommunications of the Church; that Power ſhe Exercis'd according to the Rules of Law, by her ſeveral Officers and Miniſters of Juſtice. The exerciſe of the Churches Cenſures, Juriſdiction and Power ought to be according to Law; and if any Perſon were Excommunicated againſt Law, the Queen's Courts might and would Command the Eccleſiaſtical Judge to abſoil ſuch Excommunicated Perſon, and reſtore him to the Communion of the Church again: That being the Supremacy of the Queen, and the Doctrine of the Church of *England*; by Vertue of which Supremacy, if any Judge of the Spiritual Court ſhould pretend to excommunicate any of the Diſſenters for any thing which by Law they were not oblig'd to do, or which by Law they were excus'd, or exempted from, the Courts of Juſtice in *Weſtminſter-Hall* would in ſuch Caſe award a Prohibition, and compel the Eccleſiaſtical Judge to abſolve him. As ſuppoſing that notwithſtanding the Toleration Act, a Diſſenter ſhould for not coming to the Church, be ſentenc'd in the Spiritual Court by the Judge there, or be proceeded againſt there, in order to an Excommunication; a Prohibition would lie to that Judge from the Queens Court's upon the ſaid Act, and the Courts of Common-Law would prevent him from ſuch Proceeding; and if Sentence were paſt, would compel the Judge to annul the Excommunication, and receive the Party again. Then for the Doctor ſay, That tho' the Diſſenters were tolerated by that Act of Parliament, and tho' they were exempted by

by Law from Penalties, yet let the Law of the Land be what it would, the Eccleſiaſtical Paſtors might do their Duty, fulminate their Excommunications, and thunder out their *Anathema's*, and then let the Civil Magiſtrate, the Earthly Powers, dare to reverſe them, if they could. This Sir *Peter* ſubmitted to their Lordſhips, whether it was not directly impugning the Queen's Supremacy, as well as weakening and cenſuring the Toleration, which was what he had been charg'd with in that Article.

But he would not take up more of their Lordſhips Time; there being other Gentlemen to come after him who would abundantly ſupply his Defects, and offer to their Lordſhips ſome farther Conſiderations to make out the Charge contain'd in the ſecond Article.

After Sir *Peter King*'s long Diſcourſe the Lord *William Paulet*, in ſhort, told the Lords, That the Charge againſt the Doctor in that ſecond Article was a Crime of a very heinous Nature: It having always been eſteem'd one of the happy Conſequences of the late Revolution, that Her Majeſty's Proteſtant Subjects, by a legal Indulgence granted to Diſſenters, were united in Intereſt and Affection, in the Defence of Her Majeſty's ſacred Perſon and Government.

That it was too well known, how in former times, when Popery had almoſt prevail'd in the Ruin of the State and Church, the Proteſtants of the Kingdom had been, by the Artifice of Papiſts, ſet againſt each other, that by ſuch Diviſions Popiſh Tyranny might be eſtabliſh'd in the Nation.

That the Act of Parliament paſs'd in the firſt Year of the Reign of their late Majeſties King *William* and Queen *Mary*, to exempt Proteſtant Diſſenters from the Penalties of certain Laws, had been made to defeat any ſuch future Attempts of the Papiſts; the Preamble of the Act declaring, that *ſome Eaſe to ſcrupulous Conſciences, in the Exerciſe of Religion, might be an effectual Means to unite Her Majeſty's Proteſtant Subjects in Intereſt and Affection.*

That the good Effects of the Wiſdom of the Legiſlature in making that Act had been ſeen. Her Majeſty's Proteſtant Subjects being then all eaſie under Her Adminiſtration; and how many Diſſenters ſince the Toleration were become ſincere Converts to the Church. Beſides he might ſay, that by the Toleration the Prejudices of the Diſſenters were off, and their Number daily decreas'd.

And yet with what odious Colours, and Language unbecoming a Divine, had the Doctor painted out that Toleration, and how factiouſly had he endeavour'd to excite and ſtir up People againſt it?

The Doctor's Anſwer being but a poor Shift, that he knew

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of no Toleration granted by Law; and yet in the same Answer he own'd there was an Indulgence which the Government had condescended to give Dissenters. Whereas the Word *Indulgence* was no more in the Act of Parliament than the Word *Toleration*; and it was well known that the Act of Parliament he alluded to was every where, not only in Courts of Justice, but even in Parliament, call'd *The Toleration Act*; and frequently by their Lordships, in the Account of their Lordships Proceedings in Parliament in relation to the Bill against *Occasional Conformity*, which Account had been Publish'd and Printed by their Lordships Order.

That when the Doctor said, He had not been able to inform himself that a Toleration had been granted by Law, it plainly seem'd to import, as if the Doctor had doubted of the Authority of the Parliament that made that Law; it look'd like the common Sophistry of Papists and Jesuits, who pretended to own the Church of *England* as by Law establish'd; because they disown'd the Authority of all the Laws made since the Reformation.

And Her Majesty having always been pleas'd graciously to declare She would defend that Toleration. Her said gracious Resolution had, among the innumerable Blessings of Her Reign, united all Her Protestant Subjects in their Loyalty and Duty to Her.

That the Commons were assur'd their Lordships would always assist those gracious Purposes of Her Majesty; and as there could hardly be any Instance given of so seditious and bare-fac'd an Attempt against the Peace and Quiet of the Kingdom, as the Doctor had been guilty of, so their Lordships would, by an exemplary Punishment suitable to so high a Crime, vindicate the Authority of Parliament, and give an effectual Discouragement for the future, to all such turbulent and seditious Preachers.

Next, Mr. *Cowper* spoke to the same Article, saying, He thought it unnecessary at that time to urge all the Arguments which might be made use of, to justify the reasonableness of the Toleration granted to Protestant Dissenters, by exempting them from the Penalties of certain Laws. It might suffice to say, that Indulgence was requir'd from them as Christians, and as Men professing Humanity and good Will towards one another.

And whoever maintain'd, that the Toleration was unreasonable, and the Allowance of it unwarrantable, seem'd necessarily to assert, that the Exemption granted to Her Majesty's Subjects, from the Penalties of former Laws, ought to be re-assum'd; unless it could be suppos'd reasonable to allow what was unwarrantable.

And therefore that Assertion did evidently Arraign the *Act*

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of Toleration, a Law then in being, a Law by which the People (throughout the whole Series of the then dangerous War) had been more firmly united, in Interest and Affection, than formerly: He meant, in the Days when the Penalties of those Laws had been inflicted with intemperate Zeal.

But before he proceeded to make good the Charge contain'd in the second Article of the Impeachment exhibited against the Prisoner by the Commons, he must beg leave to take Notice of the Introduction to the Doctor's Answer; by which it seem'd he could not, not upon the most diligent Enquiry, be able to inform himself, that a Toleration had been granted by Law.

But, Mr. *Cowper* said, He took the Statute 1 *William* and *Mary*, which exempted Dissenters from the Penalties of former Laws, to amount to a legal Indulgence, or Grant of Liberty of Conscience; because by that Repeal a Liberty had been given, which was before restrain'd, so that without Impropriety, it might be said that Toleration was granted by Law. But Dr. *Sacheverell*, he had rather it should be call'd an Exemption, for no other Reason, but because he had not said much, if any thing, of the Word *Exemption* in his Sermon, how free soever he had made with the Toleration.

Therefore taking it for granted, (as he thought with reason he might) that Indulgence, Toleration, or Exemption from Penalties, signify'd one and the same thing, (especially as ordinarily made use of) what could be more plain, than that many Passages in that infamous Libel, did cast black and odious Reflections upon the Toleration? But they having been all read, for fear (after what had been already said) of being too tedious, he would mention one only. The Words were these:

What could not be gain'd by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church cannot be pull'd down, it may be blown up; and no matter with these Men how it is destroy'd, so it is destroy'd, &c.

Mr. *Cowper* ask'd their Lordships, Whether it was reasonable to allow Toleration, or rather whether the Allowance of it were not unwarrantable, if it were the open and violent Means made use of to destroy the Church of *England*? And whether that was not a most uncharitable Censure, highly reflecting upon the Act of Toleration, and the Legislative Authority? Whether that was not maliciously and falsely Suggested, with a wicked and seditious Purpose, to create Jealousies and Misunderstandings amongst Her Majesty's People.

Comprehension and Toleration being represented as open Violence, Moderation and Occasional Conformity as secret Treachery,

Treachery, by which the Church might be blown up, tho' it could not be pull'd down by the violent Means of Comprehenſion and Toleration.

He ſaid, It would waſte too much Time unneceſſarily, ſhould he take particular Notice (after what had been already ſo well urg'd in Maintenance of the ſecond Article) of all the Paſſages which ſeem'd to be equally liable to Cenſure.

The *Antiſtaſis* about that Paragraph being ſo very plain, that he hop'd it was not one of thoſe mention'd in the Doctor's Anſwer to carry a dubious Senſe. The Priſoner ſeeming to have taken care to explain himſelf, for fear his Meaning ſhould have been doubtful; and therefore after having ſaid,

What could not be gain'd by Comprehenſion and Toleration, muſt be brought about by Moderation and Occaſional Conformity; he added, *that is, what they could not do by open Violence, they will not fail by Treachery to accompliſh.*

And having inveigh'd againſt the Toleration with much ill Nature and Bitterneſs of Spirit, he had been pleas'd in the next place to aſſert, That he was a falſe Brother with relation to God, Religion, or the Church who Defended it.

The Anſwer to that Branch of the ſecond Article, Mr. *Cowper* ſaid, was long, and, as he apprehended, ſeem'd to be evaſive. For firſt, there was a Difference again taken, between Toleration and Liberty of Conſcience and an Exemption or Indulgence; and under that Diſtinction, which, for the Reaſons before-mention'd, was a Diſtinction without a Difference, the Doctor took the Liberty to maintain and juſtify, that he was a falſe Brother who defended Toleration and Liberty of Conſcience.

He own'd the Doctor endeavour'd to evade the Charge, by ſaying he meant thoſe only, who at the ſame time they defended univerſal Toleration and Liberty of Conſcience, did alſo excuſe the Separation, and lay the Fault upon the true Sons of the Church, by carrying Matters too high.

But whatever he was pleas'd to ſay he meant, in Anſwer to that part of the Article, ſurely no ſuch Meaning could be collected from his Sermon, throughout the whole Libel, for he was bold to ſay there was not one Word of univerſal Toleration, or univerſal Liberty of Conſcience; this was another kind of Toleration, never heard of, 'till then new coin'd, in order to extenuate his vile and uncharitable Aſſertions.

That there the Doctor pleas'd to ſum up the modiſh *Criterions*, as he term'd them, of a true Church-Man, in a figurative and ironical Manner, and plainly aſſerted, they were the ſeveral *Characteriſticks* of a falſe Brother; amongſt the reſt, to defend Toleration was ſaid to be one, and under pretence of Moderation to excuſe their Separation (*i. e.*) of the Diſſen-

ters, of whom he had next before ſpoken, was another; and concludes the Paragraph with this pathetick Expreſſion, *God deliver us all from ſuch falſe Brethren.*

That the Doctor having ſo treated thoſe who defended Toleration, his ſuperior Paſtors were in the next place to be admoniſh'd of their Duty, which was to thunder out their Eccleſiaſtical Anathema's againſt the Perſons intitl'd to legal Indulgence, which Anathema's were ſtil'd Sentences ratify'd in Heaven, and ſuch as no Power on Earth durſt reverſe.

It was far from him, continu'd Mr. *Cowper*, to ſay, that Sentences ratify'd in Heaven could be revers'd by the Powers of this World. But had Doctor *Sacheverell* been a ſuperior Paſtor, and Anathematiz'd, or, in plain *Engliſh* Curs'd and Sentenc'd all thoſe who enjoy'd the Benefit of Toleration, to Damnation, he deſir'd to be excus'd, if he could not believe that ſuch a Sentence would be ratify'd in Heaven.

And as to any Eccleſiaſtical Cenſure not ratify'd in Heaven, it was downright Inſolence to ſay, there was no Power upon Earth that could reverſe it.

But ſince the ſuperior Paſtors would exerciſe a truly Chriſtian, and noble Spirit of Charity and Moderation, and indulge ſcrupulous Conciences, the Doctor was pleas'd however to bear his Teſtimony againſt it, and was not contented with delivering over to Satan thoſe only who enjoy'd the Indulgence, but thoſe who defend Toleration muſt alſo bear them Company.

The Doctor's, indeed, he ſaid, was a very comprehenſive Anathema, and conceiv'd in theſe Words, *And as he choſe it in this World, appoints him in the next his Portion with Hypocrites and Unbelievers, with all Lyars, that have their part in the Lake, which burns with Fire and Brimſtone, with the Grand Father of Falſhood, the Devil and his Angels. And ſo here we leave our falſe Brethren, in the Company they always keep Correſpondence here.*

That this was a moſt dreadful unchriſtian Sentence, a Sentence ſo barbarous, ſo aſtoniſhing, that he was at a loſs to imagine, how it could enter into the Mind of Man to conceive it?

And yet, perhaps, it might be equally dangerous to defend the Aſhes of the venerable Prelate Archbiſhop *Grindal*; who, it ſeem'd, had been a falſe Son of the Church, and a perfidious Prelate, as having deluded Queen *Elizabeth* to a Toleration of the *Genevian* Diſcipline; where the Doctor's great Averſion to all kind of Toleration might be obſerv'd.

But he thought, for the Sake of the Reformation, better Language ſhould have been given, and more decent Expreſſions beſtow'd upon a Man known to have born ſo conſiderable a part in the Eſtabliſhment of it.

Where

Where likewiſe all Men might obſerve the Doctor's Inclination to wholeſome Severities, ſuch as Queen *Elizabeth* had made uſe of, being ſuch as, it was to be hop'd, would never be ſeen more in this Kingdom; and by the way, what a Spirit that Man was of, who could find nothing to commend in the Reign of that Glorious Queen, but the blackeſt and worſt part of it.

He could not agree, that thoſe harſh Expreſſions, as the Anſwer own'd they were, could the rather to be excus'd, becauſe the Remains of the Archbiſhop had been ſo long ſince depoſited, eſpecially conſidering that his Memory had been held in the higheſt Eſteem and Veneration by all the Reformed Churches in *Chriſtendom*, from that Time down to the fifth Day of *November* laſt:

For his own part, he thought it very Immoral to caſt Reflections upon the Dead, how ill ſoever they might have deſerv'd from us; and the longer a Man had been ſo, in his Opinion, rather aggravated than leſſen'd the Immorality.

He was free to own, that the Man whoſe Morals would permit him to reflect upon the Departed, was not therefore to be Impeach'd for it, as for an High Crime and Miſdemeanor; but that was not the preſent Caſe. Archbiſhop *Grindall* had been thus ſeverely treated upon a Suppoſition of his deluding the Queen to a Toleration; and all the hard Words falſly and unreaſonably beſtow'd upon him, had been evidently level'd at the preſent Toleration, and deſign'd maliciouſly to Aſperſe and Traduce it, by repreſenting it as injurious to the Character of all concern'd in it, dangerous to Her Majeſty, and deſtructive to the Conſtitution both in Church and State.

By which Means, and others (if poſſible worſe) one part of the People, through groundleſs Fear and Jealouſie, unreaſonably and maliciouſly inſtill'd, were to be ſtirr'd up to Arms and Violence; others, upon the Peril of Damnation, were not ſo much as to utter one Word in defence of Toleration; whilſt the third and laſt Part were to have the Doctor's wholeſome Severities executed upon them.

He concuded, 'Twas too notorious that that Incendiary, for ſo the Articles of the Commons of *Great Britain* call'd him, had already ſtirr'd up unaccountable Feuds and Quarrels throughout the Nation; of which the Commons were too ſenſible, and had therefore brought the Offender before their Lordſhips in Juſtice and in Judgment.

For he had ſown many Seeds of Sedition, and the Fruit to be expected was civil Diſcord and Confuſion, unleſs ſome Remedy were apply'd to prevent it.

Therefore the Commons, for Her Majeſty's Safety, and for

the Security of the Conſtitution, had thought it abſolutely neceſſary to bring him to anſwer for thoſe high Crimes and Miſdemeanours before their Lordſhips Tribunal, conceiving his Offences to be of ſo exorbitant a Nature, that they deſerv'd the Solemnity of that Proceeding.

Then the Lords Adjourn'd to their own Houſe.

On *Wedneſday*, *March* the Firſt, The Lords came down into *Weſtminſter-Hall*, and being ſeated as before-mention'd, Proclamation was made by the Serjeant at Arms enjoining Silence, and another Proclamation for Dr. *Sacheverell* to appear.

Which the Doctor accordingly did, with his Council, as before; and the *Lord-Chancellor* directed the Managers to proceed in their Evidence.

Then Mr. *Thomſon* apply'd himſelf to the Lords to this Effect:

That their Lordſhips having heard what had been produc'd in Maintenance of the two firſt Articles of this Impeachment, he ſhould take the Liberty to proceed, and endeavour to diſcharge the Truſt repos'd in him by the Commons, to ſupport the third Article, and the Accuſations contain'd in it; and would not waſte their Time by making any Apology for his Inabilities, and being unequal to that Undertaking, as not doubting but that he ſhould find from their Lordſhips a candid Interpretation of whatever he ſhould offer upon that Occaſion.

He ſaid, That Article was founded on a Vote or Reſolution of their Lordſhips, and the Commons, in Parliament aſſembled, which was recited in the Preamble of thoſe Articles, and the Occaſion of which it might be neceſſary to mention to their Lordſhips. That ſome few Years ſince there had been many ſcandalous and ſeditious Rumours ſpread abroad, of the Danger of the Church of *England*, as Eſtabliſh'd by Law. Several Libels had been diſpers'd over the Kingdom, reviling Her Majeſty's Adminiſtration in Church and State; and among the reſt, one intitl'd, *The Memorial of the Church of* England. Her Majeſty had been pleas'd to take notice of thoſe ſeditious Reports from Her Throne to the Parliament; and thereupon their Lordſhips and the Commons, on the 17th of *Decemb.* 1705, had come to the Vote or Reſolution mention'd in the Preamble, and an Addreſs which was recited to this Effect: *That their Lordſhips, and the Commons, in Parliament aſſembled, had Addreſs'd, and laid before Her Majeſty a Vote or Reſolution, That the Church of* England, *as eſtabliſh'd by Law, and which had been reſcu'd from the extreameſt Danger by his late*

late Majesty, of glorious Memory, was, by God's Blessing, under Her Majesty in a safe and flourishing Condition; and that whoever should go about to suggest and insinuate that the Church was in Danger under Her Majesty's Administration, was an Enemy to the Queen, the Church, and the Kingdom.

And that their Lordships, and the Commons, by their said Addresses, had humbly besought Her Majesty to make the said Vote or Resolution publick, and to take effectual Measures for the punishing the Authors and Spreaders of such malicious and seditious Reports: And that on the 20th of the same Month Her Majesty had been pleas'd to issue Her Royal Proclamation accordingly.

And therefore the said Article charges, *That in Opposition to, and Defiance of, and in order to arraign and blacken that Vote or Resolution, Doctor* Sacheverell, *in his Sermon preach'd at St.* Pauls, *did suggest and assert the Church of* England *to be in a Condition of great Peril and Adversity under Her Majesty's Administration.* The Article further saying, *That he wickedly and maliciously insinuated, That the Members of Parliament, who pass'd that Revolution, were themselves conspiring the Ruin of the Church, which they voted to be out of Danger: And that by way of Parallel or Allusion to that Assembly who had voted the Person of King* Charles *the First to be out of Danger at the same time when they were conspiring his Destruction.*

That he would do the Doctor the Justice to take notice of what he said in his Answer, and alledg'd as his Justification. Who deny'd that he asserted the Church to be in Danger, under Her Majesty's Administration: Or otherwise than from Vice and Infidelity, Blasphemy and Prophaneness. And as to the Parallel in the Vote, and the Insinuation of the Members conspiring the Ruin of the Church, he said he had never mention'd that Vote, nor design'd the Parallel as laid to his Charge; but only meant, that while some Men had been conspiring the Death of the King, others, not privy to that Design, voted him out of Danger; so tho' the Members had voted the Church to be out of Danger, yet others were conspiring against the Church, and by their Vice and Infidelity were drawing down Vengeance on the Church and Kingdom: And as to that Vote, made four Years before he said it concern'd only those who did then insinuate the Church of *England* to be in Danger under Her Majesty's Administration.

That having stated the Charge, and the Defence, he would proceed to acquaint their Lordships with the several Passages of the Sermon, which the Commons apprehended would make out their Accusation. And there, he should take leave to say, that no strain'd or forc'd Constructions could be desir'd by the

Commons, or expected from their Lordships, or any Inferences to be deduc'd, but what naturally arose from a fair, impartial, and candid Interpretation.

That the first Passage, the Commons apprehended, was for their Purpose was in the 5th Page; the Doctor, just before, enumerating St. *Paul*'s Misfortunes that befel him, while he was propagating the Gospel, and then said, *There is a very observable Gradation in his Sufferings, but that, of all his Calamities, the highest of them proceeded from false Brethren:* Then speaking of the Condition of the Church of *Corinth*, there follow'd these Words: *Tho' it were very obvious to draw a Parallel here betwixt the said Circumstances of the Church of* Corinth *formerly, and of the Church of* England *at present, wherein her holy Communion has been rent and divided by factious and schismatical Impostors, her pure Doctrine has been corrupted and defil'd, her primitive Worship and Discipline prophan'd and abus'd, her sacred Orders decry'd and vilify'd, her Priests and Professors (like St. Paul) calumniated, misrepresented and ridicul'd, her Altars and Sacraments prostituted to Hypocrites, Deists, Socinians and Atheists; and this done, I wish I could not say, without Discouragement, I am sure with Impunity, not only by our profess'd Enemies, but, which is worse, by our pretended Friends, and false Brethren.*

To which Mr. *Thomson* said, It might be observ'd, that the Doctor was very free in his Parallels, and when either Church or State was to be represented by Comparisons, he was pleas'd to make use of the worst he could find. Saying the Church of *Corinth* was in the utmost of Perils, and then it was to his Purpose to make the Allusion, and bring the Church of *England* into the same Condition.

That there were many Particulars in that Passage, whereby the Church was said to be in the said Circumstances, he could not tell how to apply them according to the Doctor's Way of Interpretation; for he said all those Enormities were practis'd, not without Discouragement, and with Impunity, not by profess'd Enemies, but by false Brethren; which plainly show'd who he aim'd at as the Authors of those Calamities: For he excluded vicious Infidels, Blasphemers and Hereticks, who were profess'd Enemies, and laid it upon false Brethren; and he explain'd what sort of false Brethren he meant; for who could prostitute Altars and Sacraments to Deists, Atheists, and Socinians, but some of his own Order? And who were to punish such Offences among the Clergy, but their spiritual Superiors? And whether they were not Part of Her Majesty's Administration, he submitted to their Lordships.

But, supposing the Fact to be true, That there were erroneous Doctrines publish'd, to what end was the World to be told

said in that Manner, that they were vested with Impunity, but to reflect on those who ought to punish them; and could that be done without a Prosecution? If the Doctor had produc'd any of his undeniable and ample Proofs of those Matters, (which he mention'd in his Answer) before any Court that had a proper Conusance of them, and been deny'd Justice, he might have had more Reason for Complaint; but to blame his Superiors for not punishing what they might be ignorant of, which he said he was not, (and which he might have promoted a Prosecution) seem'd to retort the Guilt upon himself, which he would have laid upon them.

The second Passage Mr. *Thomson* said, was in Page the 16th, where the Doctor, talking of a Comprehension which was design'd some Time before, to unite the Church and Dissenters, complain'd of the Persons who were concern'd in that heinous Intention; and then he asserted, *That since that Model of an Universal Liberty and Coalition had fail'd, and those False Brethren could not carry the Conventicle into the Church, they were resolv'd to bring the Church into the Conventicle, which would more plausibly and slily effect her Ruin. What could not be gain'd by Comprehension and Toleration, was to be brought by Moderation and Occasional Conformity, which was, what they could not do by open Violence, they would not fail by secret Treachery to accomplish: If the Church could not be pull'd down, it might be blown up; and no Matter with those Men, how it were destroy'd, so that it was destroy'd.* Who then were those False Brethren that were concern'd in that Design of Comprehension, which fail'd, and who introduc'd worse Mischiefs? Did these Dangers proceed from Vice and Infidelity, from Blasphemy, and erroneous Doctrines? No, those False Brethren were describ'd in the Page before, under his second General Head, to be in Church and State, which must be Persons in Power and Authority; the Expression it self importing it, nor could they otherwise be capable of accomplishing that Design of uniting the Dissenters and the Church; to which Design, and the Authors who intended it, he was pleased to give the most vile and scurrilous Names imaginable, and afterwards laid to their Charge an Intention to blow up the Church by Moderation; And that he suppos'd was one of the Vices which the Doctor mention'd in his Answer, as one Means of Danger to the Church. And if Moderation were a Vice he would do the Doctor the Justice to acquit him from the least Tincture of it, in any of his Works that he had ever met with.

That the third Passage was in Page the 18th: Where the Doctor was continuing his Observations of the Danger from the same False Brethren in Church and State, and then his

Words were, *Falſhood always implies Treachery; and whether that is a Qualification for any one to be truſted, eſpecially with the Guardianſhip of our Church or Crown, let our Governors conſider.* Which muſt relate to Perſons, who, as the Doctor would inſinuate were not fit to be truſted with the Guardianſhip of the Church or Crown; and whether that Reflection did not ſeem to aim higher than the Adminiſtration, he ſubmitted to their Lordſhips.

That the next Paſſage was Page the 20th. in theſe Words *And now are we under no Danger in theſe deplorable Circumſtances? Muſt we lull our ſelves under this ſad Repoſe, and in ſuch a ſtupid Lethargick Security embrace our Ruin? When Eliſha, the great Prophet of God, was ſurrounded with an Hoſt of Enemies that ſought for his Life, his blind Servant beheld not the Peril his Maſter was in, 'till his Eyes were opened by a Miracle, and he found himſelf in the midſt of Horſes and Chariots of Fire. I pray God we be out of Danger; but we may remember that the King's Perſon was voted to be ſo, at the ſame time that his Murtherers were conſpiring his Death.*

That to excuſe this Paſſage, the Doctor ſaid, the deplorable Circumſtances we were in proceeded from the Maturity of National Sins, *&c.* as in his Anſwer. But who were mention'd in his Sermon as the Occaſion of the Maturity of National Sins but the Diſſenters, who, he ſaid were plotting the Ruin of the Church, and Falſe Brethren join'd with them; ſo that there neither was the Danger aſſerted from Vice and Infidelity, but as it was occaſioned by the Diſſention from the Church, which the Law had thought fit to apprehend as no Danger to the Church; and therefore it could not become him to aſſert the contrary: But as to the Parallel of the Aſſembly, which Voted King *Charles* the Firſt out of Danger, and of the Members who had made the Vote about the Danger of the Church four Years before, he ſaid he had meant no Reflection on any of the Members who paſs'd that Vote, becauſe he had never mention'd that Vote; and as to the Vote about King *Charles*, others had been conſpiring his Ruin than thoſe who voted him out of Danger; ſo while the Parliament had voted the Church out of Danger, there had been other Enemies conſpiring her Ruin. But if the Doctor had intended no Reflection upon that Vote, why had voting in any Caſe been mention'd? Could any one imagine that the Doctor ſhould not know of that Vote, ſince the Danger of the Church was ſo much his Topick? Nor could he be preſum'd ignorant of the Time when that Vote about King *Charles* was paſs'd, which, as far as might be obſerv'd from the Hiſtory of that Time, was in *November* 1648, that he was voted out of Danger; and when he was Tryed and Beheaded needed not be mention'd to their Lordſhips: And whatever

Alteration

Alteration might have been made in that Assembly after the Vote, and before his Death, had been done by those Persons who had conspir'd his Destruction, and who were Part of that Assembly that had voted him out of Danger; so that it seem'd plain, that the Vote of Safety, and the Conspiracy of Ruin, came from most of the same Persons; and it did not seem very strange to suppose the Doctor had intended his Allusion in the same manner.

As to the Scripture the Doctor quoted to that purpose, *That the blind Servant beheld not the Peril his Master* Elisha *was in, 'till his Eyes were open'd by Miracle, and he found himself in the midst of Horses and Chariots of Fire:* Those Horses and Chariots of Fire were not the Prophet's Enemies, but his Friends, nor was there any Danger to be fear'd from them; on the contrary, they were a Security from his Enemies; so that he had plainly perverted the Sense of that Text, to make a stronger Impression, and more effectually to delude the People.

That the last Passage was in the last Page, where he was still talking of the Danger of the Church, and quoted a Text as in the *Lamentations*, (viz.) *Tho' she lies bleeding of the Wounds she received in the House of her Friends.* Which Text Mr. *Thomson* declar'd he could not find there, and therefore said it seem'd to him to be a Lamentation of the Doctor's own making; who then went on; *Tho' the ways of* Sion *may mourn for a Time, and her* Gates *be desolate, her Priests sigh, and she in Bitterness, because her Adversaries are Chief, and her Enemies at present proper; tho' among all her Lovers she has few to comfort her, and many of her Friends have dealt treacherously with her, and are become her Enemies.* He said he mention'd those Passages only to show, that the Doctor, by the most Pathetick Expressions of his own, mixt with those Texts of Scripture, endeavour'd to represent the Church of *England* to be in the utmost Danger.

He should trouble their Lordships no further with the Passages in that Sermon; but ought not to omit to take notice, that there was a Suggestion in the Doctor's Answer, that the Vote four Years before did not concern him, but that it related only to them that then did assert the Church to be in Danger; but if he had minded the Words of the Vote, he would have found there was no Pretence for that Objection, for they were, *Whoever shall go about to insinuate; that the Church is Danger under her Majesty's Administration*; which must relate to any Time during the Continuance of her Majesty's Reign.

He begg'd leave to observe some Circumstances attending that Offence, which gave it the highest Aggravation. That the Memorial published some Years before, which had been the chief Occasion of the Vote in Parliament, was a Libel that

Revil'd

Revil'd Her Majesty and Her Administration, as the Occasion of the Danger of the Church. That the Author had been pleas'd to conceal himself, not daring to avow his Doctrine: but the Book had the Fate it deserv'd; and from the Ashes of that Phœnix there arose another Memorial, with many of the same virulent Expressions against Her Majesty's Administration, agreeing in the whole Scope of it, as to the same scandalous Purpose, but far exceeding it in Malice and Inveteracy.

And that new Memorialist had presum'd to Publish his Seditious Reflections in the most open Manner imaginable, first at the Assizes at *Derby*, and afterwards in the great Metropolitan Church of *London*; and had thought fit to Print and Disperse about Forty Thousand of them over the Kingdom; And whence could this extraordinary Zeal proceed? Had it been to exhort Men to severe their Governors, and to submit to those in Authority over them? Had it been intended to preserve Peace and good Will amongst Men? To promote Charity, Brotherly Love and Affection? No, my Lords, there was plain Evidence to the contrary. He shou'd be judg'd out of his own Mouth, and he told the Reason of his Topicks in that Place, saying, he intended *To open the Eyes of the deluded People in that great Metropolis, to set the Rich and Powerful Inhabitants right in their Notions of Government in Church and State.* They were oblig'd to him for his pious Design, and for instilling those Doctrines which, as their Lordships had been told the Day before, would make their Religion, Liberty, Property, and all that was dear and valuable, Precarious; he inform'd them further, *That the Constitution in Church and State was vigorously attack'd from Without, and lazily defended from Within; that there were Attempts upon the Friends of the Church to shut their Eyes and Mouths, in order to Undermine and Destroy them; that he thought the Pulpit a proper Place for Politicks, and that it was the Business of a Clergyman to sound a Trumpet in* Sion, *to cry aloud and spare not.* And in his Preface to the *Derby* Sermon he explain'd himself still further upon that Topick, *That the Church was shamefully betray'd and run down: That there were some still who would defend it with their Lives and Fortunes:* And then stated the Case as if there were an immediate Necessity to take up Arms for a Holy War upon that Occasion.

That the Crime was more heinous, for that there was the least Reason for those Seditious Murmurs, than had been in any Reign whatever; Was there any Invasion or Attempt upon the Liturgy, even the least Ceremony of the Church, or any part of the Ecclesiastical Constitution? Were her Revenues impair'd, or any of her Temporal Rights violated? No, but

but her Majesty had distinguish'd Her Care for that Church in a more peculiar Manner than any of her Predecessors; She had given from her own Revenue to increase that of the Clergy for their more creditable Support, and to enable them to Preach sound Doctrine for the Welfare of Her Subjects; nor was she wanting to promote Religion, Piety and Virtue, by Her own Royal Example, the most effectual Encouragement. That those were the true Basis of the Church, and the best Pillars to support it. And what Occasion could there be for those Reflections on Her Majesty's Administration? Had not that Venerable Bench given the World abundant Proof of their Care and Vigilence to preserve that Church, of which they were the Guardians, by their Learning and unblameable Conduct, by their zealous and resolute Defence of her in the worst of Times, and against all her Enemies: It was very surprising that a Gentleman, whose Education has been in the Fountain of Learning and Religion so many Years, (who could not be presum'd to err through Ignorance) should presume in his private Capacity to contradict the Sense of the whole Nation, and cast such Aspersions on his Superiors: To what End could he so zealously disperse his Notions, if not to animate a deluded People to the Execution of Seditious Designs?

That it were to be wish'd, a Government could be supported by Mildness and Clemency; but such was the State of depray'd Nature, even those most Passive-Obedience Natures, that they were not contented to be only ungrateful for the Benefits they Enjoy'd from the Church and State, but they must Rebel against Principle, and fly in the Face of that Government from which they receiv'd their Support and Protection.

That the Doctor cry'd aloud, and there were many others that spar'd not; some having presum'd to Censure that very Proceeding before their Lordships, as a Persecution of the Church: And what must be the Consequence of Tolerating such bold daring Spirits to go on in their Seditious Practices!

If their Lordships did not vindicate their own Resolutions, and exert their Power and Authority to Suppress that audacious and unparallel'd Insolence, which daily flew abroad from the Pulpit and the Press (those, as the Doctor truly said, being become the Mints of Faction and Sedition) he might take leave to say, there would be too much Reason for his Assertions of Danger both to Church and State: But the Commons were so well satisfy'd of their Lordships true Concern for the Preservation of the Constitution, that they could not imagine they would suffer any Attempts that might be Pernicious

ous to the Welfare of the Government to paſs without Condign Puniſhment; and therefore they intirely rely'd on their Lordſhips Wiſdom and Juſtice.

Then Mr. *Compton* told their Lordſhips, He was Commanded by the Commons to aſſiſt in maintaining the third Article of their Impeachment againſt Doctor *Henry Sacheverell*, which had been fully open'd by the Learned Gentleman that ſpoke before him.

That the Commons thought they had good Reaſon to aſſert, that Dr. *Sacheverell*, in his Sermon Preach'd at St. *Paul's*, did falſly and maliciouſly Contradict and Arraign a Reſolution of both Houſes of Parliament, approv'd of by Her Majeſty, and made publick by Her Royal Proclamation.

Their Lordſhips could not but have obſerv'd, that it had been one of the conſtant Artifices of the Enemies of the preſent happy Eſtabliſhment, who very well knew the juſt Value the People of the Nation had for the Eſtabliſh'd Church, to Suggeſt and Inſinuate, that the ſaid Church was in a Condition of great Peril and Adverſity, in order to foment Animoſities, and to cover Deſigns they durſt not publickly own. But how frequent ſoever that had been, he believ'd, he might ſafely affirm, that Scandalous and Seditious Aſſertion had never been ſo boldly maintain'd, nor with ſuch invidious and aggravating Circumſtances, as by the Criminal at their Lordſhips Bar.

That, The Learned Society, of which he was a Member, had reap'd ſuch ſignal, ſuch immediate Advantages from the Revolution, that he cou'd not be unmindful, he cou'd not be ignorant of the extreme Danger from which their Laws and Liberties, the Church and Conſtitution had been Reſcu'd by his late Majeſty; yet ſuch was his Ingratitude to their great Deliverer, ſuch was his Inveteracy to the Revolution, that he made that very Revolution the Period of Time from whence the Enemies of the Church firſt had Hopes to deliver her up to her worſt Adverſaries; nor did his Malignity ceaſe there, but he endeavour'd to perſwade the People, that from the Revolution to that Time, there had been a continu'd Series of Contrivances to Ruin and Deſtroy the Church; at the Revolution, by open Violence, but *Then*, that is, under Her Majeſty's Adminiſtration, *by ſecret Treachery*; and ſince neither the late nor the preſent Reign could eſcape his Invectives, for what Perſon he reſerv'd his Panegyricks, was ſubmitted to their Lordſhips to determine.

That he wou'd not take up any of their Lordſhips Time unneceſſarily, but muſt not conclude, without expreſſing the Indignation the Commons had at his traducing and vilifying the

the laſt Parliament, by that odious Parallel in the 21ſt Page of his Sermon preach'd at St. *Pauls*.

The Parliament he in that Manner endeavour'd to blacken, had been open'd with ſo full an Appearance in both Houſes, that Her Majeſty had obſerv'd it with Satisfaction from the Throne, and at the ſame time with Grief took Notice of the Malice of ſuch Perſons, as Suggeſted the Church to be in Danger, deſiring the Aſſiſtance of Her Parliament to Diſcountenance and Defeat ſuch Practices; and that in Duty to Her Majeſty, to ſecure the Quiet and Peace of the Kingdom, and to diſappoint the Deſigns of the Enemies of the Church and Conſtitution, both Houſes of Parliament had come to the Reſolution, ſet forth by the Commons in the Articles of the Impeachment, which had been read to their Lordſhips: And the ſame Parliament had proceeded in that and other Matters before them, with ſoo much Vigour and Prudence, that in leſs than ſix Weeks Her Majeſty had graciouſly taken Notice that their Proceedings produc'd a good Effect all over *Europe*: And at the Concluſion of the Seſſion, Her Majeſty, with great Goodneſs, had declar'd how much ſhe was pleas'd to obſerve their Unanimity and Zeal throughout the whole Seſſion againſt every thing that tended to Sedition. And it had been the ſame Parliament that ſo chearfully concurr'd with Her Majeſty in promoting and compleating the Union of the two Kingdoms: And the Gentlemen who compos'd that Parliament, join'd by the Repreſentative of the other Part of the united Kingdom, had readily and unanimouſly aſſiſted Her Majeſty in diſappointing the Attempt of the Pretender to Her Crown, whoſe chief Dependance had been in the Reſtleſs and Arbitrary Principles of ſome of Her Majeſty's Subjects, ill-affected to their Country.

He put it to their Lordſhips, whether there were any Ground to compare the dutiful Proceedings of ſuch a Parliament, with what had been done in thoſe unhappy Times, with which the Doctor wou'd maliciouſly draw a Parallel? And for himſelf might ſafely venture to ſay, it was impoſſible to find the leaſt Reſemblance between Her Majeſty's Glorious Reign, and that unfortunate Adminiſtration except that there were in the one, as well as in the other, † *Miniſters of the Church, who, by their Function, being Meſſengers of Peace, ſet up to be the Trumpets of Sedition and Incendiaries to Rebellion.* But, that the Commons hop'd, The happy Period was then come, when even that Reſemblance ſhould have its Determination; for they entirely rely'd on their Lordſhips Juſtice to inflict ſuch an Exemplary Puniſhment on that Offender, as might

† *Clar.* Hiſt. of the Rebel. V. 2. P. 18.

might deter others from endeavouring to diſtract the Kingdom with ſuch groundleſs Diſtruſts and Jealouſies for the future.

The *Lord Coningsby* follow'd *Mr. Compton*, delivering himſelf to this Purpoſe, That he was commanded by the Commons of *Great Britain* to aſſiſt, and endeavour to make good, the important Charge they had Exhibited againſt the Criminal at the Bar: And in regard he was leaſt able, amongſt all the Gentlemen who had that Honour, out of Indulgence to him he had been aſſign'd to the third Article, which wanted leaſt to be ſupported.

That the Sermon preach'd by the Doctor at St. *Paul's*, and which had been read to their Lordſhips, from the firſt Word in the Title Page, to the laſt Line in the Concluſion, was one falſe, malicious, and ſeditious Aſſertion, That the Church of *England* had been under the laſt Reign, and ſtill continu'd under the preſent, in the utmoſt Peril and Danger.

And the Proclamation their Lordſhips had heard mention'd; and which had been deſign'd by Her Majeſty, from whoſe Speech it took its Riſe, by their Lordſhips and the Commons who had concurr'd in it, to be a Warning to ſuch Incendiaries, as the Criminal, not to trumpet amongſt the People Suggeſtions ſo ſeditious, in order to cover Deſigns more dangerous, and which, God be prais'd, they were not yet ſtrong enough, nor never, he hop'd, would be Publickly to own, ſhew'd that a malignant Offender had committed that Offence in Defiance of Her Majeſty, their Lordſhips, and the Commons.

That the Proofs, brought by almoſt every Gentleman to the two preceeding Articles; and thoſe particular Inſtances, ſo fully open'd by thoſe Gentlemen, who had ſpoke before him to the third, ſhew'd it would be vain in him, and miſpending their Lordſhips Time, to pretend to enforce thoſe Points, which had been already ſo fully made good.

He would therefore very ſhortly, tho' he hop'd very plainly, lay before their Lordſhips what were thoſe pernicious Deſigns the Doctor intended to cover, and at laſt hop'd to bring to paſs, by his Preaching, Printing and Publiſhing, not only round this Kingdom, but amongſt his Friends on the other ſide of the Water, that ſeditious, he might ſay rebellious Diſcourſe, for which he ſtood then Impeach'd by the Commons.

And as it had been ſhewn their Lordſhips, by the Gentlemen that made good the firſt Article, that the Doctor, by reflecting on the neceſſary Means to bring about the Revolution, the Foundation on which the preſent happy Eſtabliſh-

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ment was built, by asserting that Her Majesty ought to depend on no other Title to the Crown but Her Hereditary one, design'd, by such destructive Positions, to bring back the *Pretender*, with Popery and *French* Tyranny attending him to govern the State.

So it was as plain, from the whole Scope of his Sermon, that the Doctor, and all those in Combination with him, had nothing more at Heart than to destroy the present Church, as Establish'd by the wholesome Laws of the Land, and that because it was most consonant in its Doctrine and Discipline, to that of the primitive Christians of any since the Time of the Apostles; and consequently less agreeable with the flaming Opinions of such Firebrands, who knew not of what Spirit they were of: And that in Order to set up a Scheme of a Church, agreeable to the Tyrannical one they had projected for the State. A Church, the Doctor's he meant, tho' in Pretence Protestant, that would be ready soon to be turn'd into a Monster, by adding to it self a Popish Head.

A Church that would destroy all those who brought about, and had since supported, the happy Revolution.

A Church, which upon Anti-christian Principles, profess'd Burning for Conscience-sake; which the Doctor, like those wicked Men whose Mercies were cruel, call'd wholesome Severities.

A Church that would turn all the Blessings they enjoy'd under the present Administration, into all those Miseries they had got rid of by the late glorious Revolution.

He could not therefore doubt but their Lordships would, out of Duty to the best of Queens, and in Justice to themselves and the Commons, deter others from ever being guilty of the like heinous Offence.

Next, Mr. *Dolben* signify'd to the Lords, That the third Article of the Commons Impeachment contain'd one criminal Position, That the Church of *England* was then in a Condition of great Peril and Danger under Her Majesty's Administration, aggravated by an odious Parallel which afforded a pregnant Proof of the true Spirit and Designs of that bold Offender.

That the Accusation had already been fully made out by plain and positive Words in the Doctor's Sermon, from which as well as from many other Passages, he should beg leave to submit to their Lordships Judgment, whether that wicked Parallel might not justly be turn'd upon him, whether there was not more than Suspicion that he, and all his Abettors, were conspiring the Ruin and Destruction of the Church, when under the Disguise of a false Zeal they profaned her

sacred

ſacred Name, to carry on dark and deep Deſigns, fatal both to Church and State.

He ſhould only briefly take Notice to their Lordſhips, that the Guilt of that Offence aroſe from a plain Contempt of Her Majeſty's Proclamation, and of the Reſolutions of both Houſes of Parliament, mov'd by no Inducement, but an Eagerneſs and Induſtry not to let any Shadow or Colour eſcape that might contribute to his Part in the grand Deſign, to be only effected by fomenting Diviſions and Diſtractions among the People.

But in order to unvail the Doctor's Pretences, and to take away his trivial Excuſes, he begg'd leave to repreſent to their Lordſhips, that tho' the whole Legiſlature had not, from a full Conviction of the Church's Security and Safety, laid a ſevere Injunction againſt the Publiſhing ſuch a falſe and pernicious Suggeſtion, yet evident Truth ought to have taught the Doctor not to have tranſgreſs'd in ſo notorious a Manner.

That when it appear'd the Church had the Sanction of ſo many and ſo good Laws to eſtabliſh and defend it, when the Veneration and Devotion to it, of ſo great a Majority of the People, was ſo viſibly fix'd in their Hearts, that the bad Examples and provoking Behaviour of that falſe Brother, and of ſeveral others of the ſame Stamp, had not made the leaſt Abatement, or Impreſſion to its Diſadvantage; when the Parliament on all Occaſions appear'd ſo forward and unanimous in their Zeal and Affection for it; when 'twas recommended and illuſtrated by the Learning, Piety, Wiſdom, Charity and Chriſtian Moderation of ſo many of its chief Paſtors; but above all, when 'twas under the Protection and Government of a ſupreme Head, a true and conſtant Defender of its Faith and Diſcipline, who having already expos'd Her Royal Perſon to Hardſhips and Danger, to reſcue it in a Time of its utmoſt Peril, and continu'd daily to manifeſt the ſame Devotion, Piety, and tender Concern for it: Under that powerful Alliance for its Support, could any thing but Malice and Envy at its Proſperity, could any one but an Incendiary, or diſguis'd Enemy, inſinuate, that the Church of *England* was not fenc'd and fortify'd with an impregnable Barrier againſt all Danger, from open Attacks or Violations?

He granted it was true, That no human Care or Policy could prevent the Attempts and ſecret Conſpiracies of inteſtine Traitors. That Vipers in the Boſom might ſting, tho' the Body were cover'd with the ſtrongeſt Armour. Yet all that could be done was, to be watchful to diſcover and expoſe the Hypocrite, to detect and puniſh his Crimes. The Commons therefore, on that Occaſion, were there exerting their Part of that Duty, fully aſſur'd of Succeſs from their Lordſhips equal Zeal and Juſtice.

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He said, Their Lordships had them at their Bar; Clergy-men, bound, by the strongest Ties and Duty of his Function, to Instruct and prepare the meekest Means for the Peoples true Happiness in this World, as well as the next; yet their Lordships would find him prov'd to be a Trumpeter himself of Sedition and Rebellion, first at Derby, then in London; an Agent detached from that dark Cabal, whose Emissaries appear'd in all Shapes, and almost in all Places; an Assertor of such pestilential and pamper'd Doctrines, as at once overthrew the whole Constitution and State. He might perhaps urge a Precedent in which it had been pleaded, and from the Pulpit, that an urgent Necessity could justifie the Breach of Laws; and from others, that in particular Cases they might be dispens'd with; but that Gentleman could not but be allow'd the Infamy, of having stretch'd and improv'd those pernicious Tenets to the exalted Height of making all their Laws, Liberties, Religion and Lives held only at the precarious Pleasure of any bold Invader; for nothing could be a plainer Exposition or Consequence, when 'twas taught, that no Oppression, no Violation could justifie an Opposition to it.

That the Commons had brought that Offender before their Lordships, with a View, not only to detect and punish his Offence, but to obtain an Occasion in the most publick and authentick Manner to avow the Principles, and justify the Means, upon which the present Government and the Protestant Succession were Founded and Established, and that more out of a generous Concern for Posterity, than for their own present Security. Being so happy as to have a Sovereign on the Throne, whose Goodness, Justice and Piety left no room for the least Fear or Jealousie; but they hop'd the Record of that Proceeding would remain a lasting Monument, to detect a Successor, that might inherit Her Crowns, but not Her Virtues, from attempting to invade the Laws, or the Peoples Right; and if not, that it would be a noble Precedent to excite their Posterity to wrestle and tug for Liberty, as they have done. That he doubted not but Her Majesty would, with the greatest Satisfaction, see the Government thus put upon a Right and equal Foot, since thereby those Blessings would be secur'd to future Ages, which Her happy Reign had planted amongst them, since thereby she would instil a lasting Felicity on Her People, and prevent those real Dangers both to Church and State, which at that time were so falsly insinuated. But if that should not then be effectually obtain'd, and by such wholesome Severities as the Doctor applauded and recommended, he begg'd leave to conclude, with softer Complaint than that in the Doctor's Answer, That hard was the Fate of that People, who after having been twenty Years in War, in Conjunction with so many great Allies, at the Expence of so much Blood and Treasure, com-

ending only against Tyranny and Oppression, which they might justly hope was at last fulfill'd, should that for all Europe enjoy the Fruits and Benefits of their Labours; and at the same time, tho' Her Majesty's well chosen General should at last bring home Peace, as he had so often the Laurels of Victory, to lay with humble Duty at Her Royal Feet, yet they, only they, should be render'd uncapable of the common Blessing; *betray'd at home to a perpetual Condition of Bondage, by such false Brethren as were at their Lordships Bar.*

Here the Lord *Haversham* mov'd the Lords to Adjourn to their House; and being return'd, and Proclamation for Silence made by the Serjeant at Arms.

The *Lord Chancellor* told Mr. *Dolben*, The Lords had taken Notice that at the Conclusion of what he spoke he had used this Expression, *as used at their Lordships Bar*; which Words were so general, that their Lordships were of Opinion they wanted an Explanation.

Mr. *Dolben* answer'd, That those Words had relation only to the Prisoner *at the Bar*.

Then Serjeant *Parker* spoke to the fourth Article thus, That their Lordships had heard the three first Articles of the Charge largely spoken to; and it was his Duty, in Obedience to the Command he had been Honour'd with by the Commons, to make good the Charges in the fourth. That he was sensible how unequal he was to such a Work, both from his want of Capacity, and his present Indisposition; but however, in such manner as he was able he would endeavour it.

He said, That Article did set forth, that *He the said* Henry Sacheverell, *in his said Sermon and Books did falsly and maliciously suggest, that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tended to the Destruction of the Constitution; and that there were Men of Characters and Stations both in Church and State, who were false Brethren, and did themselves weaken, undermine and betray, and did encourage and put it in the Power of others, who were profess'd Enemies, to overturn and destroy the Constitution and Establishment: And charg'd Her Majesty, and those in Authority under Her, with a general Male-Administration; and as a publick Incendiary, to perswade Her Majesty's Subjects to keep up a Distinction of Factions and Parties, instill'd groundless Jealousies, and fomented destructive Divisions among 'em, and excited and stir'd 'em up to Arms and Violence: And, that his said malicious and seditious Suggestions might make the stronger Impressions upon the Minds of Her Majesty's Subjects, he the said Henry Sacheverell did wickedly wrest and pervert divers Texts and Passages of holy Scripture.*

That

That this Article in general, was a Charge of Sedition under several Aggravations, and made good by almost every part of the Sermon and Dedications, read before their Lordships in Evidence.

The avow'd Design of the Sermon, was to represent the extreme Perils and Distresses of the Church and Constitution from false Brethren, that were *in* the Administration, and countenanc'd *by it*.

It represented the *Church* in the utmost Extremity, those *Fences* broken down, without which she was *naked* and *unguarded*, *her Altars and Sacraments prostituted*, her self *deserted*, *betray'd*, *undermin'd*, and *persecuted with open Violence*, *bleeding of her Wounds*, *her Enemies openly calling for her Destruction*.

The *Nation*, sunk into the lowest Degree of Corruption, swarming and over-run with *Atheists*, *Deists*, *Socinians*, *Hypocrites*, *Villains*, *Rebels*, *Traytors*, *Correspondents with the Devil*, nay, with Men that were themselves *the worst of Damons*.

The *Government*, so far from applying a Remedy, that all this was done *Openly*, *with Impunity*, *without Discouragement*: Nay, the Persons from whom the Mischiefs arose, were *suffer'd to form themselves into Seminaries*, *to propagate Atheism and other Hellish Principles*; were let into the *Administration*, they were *in Places*, Places were given 'em as the *Reward of betraying their Party*, they *engross'd all Places*, they were *Persons of Characters and Stations*, nay, they were a Chief.

That this had not been done in any Representation to those, who, by making new Laws, or putting in Execution the old, might regularly cure those Mischiefs; but in *a popular Harangue* from the *Pulpit*: Not in Terms of Lamentation, not as Grounds of Humiliation, or in a Language that might become one that thought the only *Arms* of the Church to be *Prayers and Tears*; but with all Malice, Bitterness, Reviling, Insolence, endeavouring to raise in his Auditors the Passions himself put on, and pointing out (as far as he dar'd) to *Arms* and *Violence* for a Cure, and not so much as *offering* any other.

That those were the Colours in which he painted the Condition of the Nation, and in that Manner he chose to shew the Zeal and Duty he profess'd to the Best of Queens.

But since he pretended in great Measure to deny or evade the Charge, it might not be amiss to look a little more particularly into his Sermon, and take a View of the *Scheme* of it, and of several Passages therein.

The *Crime* he profess'd to shew the Mischiefs of in this Sermon, was *false Brotherhood*: The *Method* he propos'd to treat it in, was,

1. To describe the *Crime*, and to shew who were *false Bre-*

them, and *upon what Accounts*; and he consider'd it both with respect to the *Church* and to the *State*.

2. To show the *Dangers*.

3. The *Guilt* and *Folly* of that Sin. And

4. (That it might appear that all the Crimes and all the Treacheries he mention'd were not mere Suppositions, but Realities, at that time,) He undertook, as a *Consequence of all to show what mighty Reason there was at all times, more especially* AT THAT PRESENT, *to stick to the Principles of the Church and Constitution, and to beware of, and mark all those false Brethren who deserted or betray'd 'em.*

He said, He believ'd the first Clause of the Article then in hand would so clearly be prov'd from the Passages that more directly concern'd the second and the third, that he desir'd, for saving their Lordships Time, to begin with those two Clauses, and then to return to the first afterwards.

And therefore he began with the second Clause, *That the said* Henry Sacheverell, *in his Sermons and Books, did falsly and maliciously suggest, that there were Men of Characters and Stations in Church and State who were false Brethren, and did themselves weaken, undermine and betray, and did encourage and put it into the Power of others who were profess'd Enemies, to overthrow and destroy the Constitution and Establishment.*

To make this out, he begg'd leave to observe, that the Doctor, in entring upon his second Head, which was to show the great Peril and Mischief of those false Brethren both in Church and State, asserted, *pag.* 15. *That they weaken'd, undermin'd and betray'd in themselves, and encourag'd and put it in the Power of profess'd Enemies to overturn and destroy the Constitution and Establishment of both.* This, he said, run thro' the *whole* Discourse; and, being affirm'd of false Brethren *in general*, must be applicable to *every sort* of false Brother. If then there were any *Persons of Characters and Stations* whom he represented of *false Brethren*, then he had, in the place mention'd, affirm'd of THEM, and undertaken to prove, that THEY *weaken'd, undermin'd and betray'd, and put into the Power of others to overturn and destroy the Constitution and Establishment.*

And as to that, he came under his third Head, *pag.* 21. to show the Malignity and Guilt of that Sin, in respect of the World, and began it thus, (*pag.* 21, 22.) *What a vast Scandal and Offence must it be, to all Persons of Piety and Integrity, to see* Men of Characters and Stations *thus shift and prevaricate with their Principles, and starting from their Religion, upon any occasion of Difficulty or Tryal, and like the Disciples flying from and forsaking our Saviour, when his Life lay at stake; to see* their *Opinions sit as loose almost as their Garments, to be put on or off for Conveniency; what can unwary*

Person

Perſons conſiſts from this Vngodlineſſe and Hypocriſie, but that all Religion is State-craft *and Impoſture? That all* Godlineſs *is* Gain, *and that the* Doctrines of the Church *lie not ſo much in her* Articles, *as her* Honours *and* Revenues?

This, Serjeant *Parker* ſaid, was a full Charge of *Falſe Brotherhood* upon thoſe *Perſons of Characters and Stations*, and *exemplifying* in them the Malignity of that Crime, which was the Subject of his Diſcourſe: The Conſequence being plain, that he there charg'd 'em with falſe Brotherhood, and having before aſſerted, that *all ſuch falſe Brothers weaken'd, undermin'd and betray'd, and put it into the Power of others to overturn and deſtroy the Conſtitution and Eſtabliſhment*; he had not only ſuggeſted but maintain'd, *that there were Perſons of Characters and Stations that weaken'd, undermin'd and betray'd, and put it into the Power of others to deſtroy the Conſtitution and Eſtabliſhment.*

And in his Anſwer, put in before their Lordſhips to the Articles of Impeachment, he would divide the Charge in that Clauſe; and (1.) as to the ſuggeſting that there were ſuch *Perſons* who were *Falſe Brethren*, he ſaid, That if he had ſaid *there were Perſons of Characters and Stations* that were Falſe Brethren, not *reſtraining* it to the *higheſt*, it would not be either falſe, malicious, or highly Criminal.

(2.) As to the weakening, undermining, and betraying in themſelves, and putting it into the Power of profeſs'd Enemies to overturn and deſtroy the Conſtitution, he ſaid, he had not ſuggeſted *that* of Perſons of Characters and Stations; but the mention of thoſe *Perſons*, and the Expreſſion of *weakening and betraying in themſelves, and enabling others to deſtroy the Conſtitution*, were twelve Pages aſunder.

(3.) He mention'd ſome, who he thought did weaken and betray the Conſtitution, but had not ſaid any of *them* were Men of *Characters and Stations.*

In anſwer to theſe Gloſſes, the Serjeant added, He might ſay, that if that were meant, *not* of the *higheſt* Characters and Stations, any though it were *true* too, the affirming it of them would be Criminal, and in the Manner he did it, *highly* ſo; for all ſubordinate Magiſtrates, of whatever Station, might be regularly complain'd of, and call'd to account; but the Meaneſt were not to be traduc'd and libell'd, nor the Government upon their Accounts.

But this he offer'd, That the Words, if not *reſtrain'd* to thoſe of *higheſt Characters* and *Stations*, neither are they reſtrain'd to the *loweſt*; and, in Truth, ſtruck *all*, and ſo were *intended*, as other Parts ſhow'd,

And it was no Excuſe, if he ſcandaliz'd Perſons of the *higheſt* Characters and Stations, that he did not ſcandalize them *only*.

Is was no Excuſe, when he ſpoke opprobriouſly, in *general*

Terms of Men of Characters and Stations, without distinguishing *to his Auditory*, to distinguish *upon his Defence*, and pretend he meant only some few of the meaner sort; which was, that when he was speaking of the Mischief and Malignity of that Crime, and shewing how *Great* it was, his Assertion concerning Men of Characters and Stations *in general*, was meant *only* of *those*, in whom the Mischief and Malignity was *least*.

No, it was a general Arraignment of the Government throughout, and as such he must Answer for it. And to put it out of Doubt, he had said, *pag.* 26. in Scripture Words, That *the Church's Adversaries were chief*.

For what he talk'd of several *Senses*, in which he said he spok false Brethren in the Sermon, 'twas not at all material in *what Sense* he charg'd those Persons with false Brotherhood, if *in Consequence thereof* he charg'd them with *betraying* the Church, and impowering its Enemies to destroy it. The charging them with being false Brethren, had been a *Fault*, as *that* was a Term of Reproach, which, with him, carry'd just as much Malignity as he pleas'd, even to *something analogous to the Sin against the Holy Ghost*, and rendring them the *worst of Damned*. But the *Stress* of the Accusation, was the *Treachery* they were charg'd with *as false Brethren*.

2. In the next place, therefore, he deny'd that part of the Charge; and *shrewd Reason* he gave was, that the two Expressions were twelve Pages asunder: An Answer the Serjeant admir'd to see put in upon so solemn an Occasion! As tho' the false Brotherhood he shew'd the *Danger of*, and the false Brotherhood he shew'd the *Malignity of*, had no Relation to one another, because twelve Pages asunder.

3. The Doctor mention'd *some* that he affirm'd to be *Weaknesses and Betrayers*, &c. but said he did not suggest *those* to be *Men of Characters and Stations*. All the Inference to be drawn from which, was, either that there were besides *those*, some *other* Weaknesses and Betrayers, that were Men of Characters and Stations; or that *some* of *those* were Men of Characters and Stations, tho' he had not said so; which was no Excuse for him. For tho' he had not describ'd *every sort* of Weakner or Betrayer; and tho' he had not told which sort of Weakner or Betrayer he rank'd the Men of Characters and Stations under; yet he had in general charg'd Men of Characters and Stations with False Brotherhood, and as False Brethren to be Weakners and Betrayers, &c.

That, In the next Place, he would lay before their Lordships the Proof of the third Clause of that Article, which said, That *Dr. Sacheverell charg'd Her Majesty, and those in Authority under Her, with a general Male-Administration.* Which every Part of the Sermon made out, representing the whole

with no Notice to the unmask Difeases and Sycophants, and The Magistrate, instead of applying a Remedy, rather encouraging the Distemper.

And as Sage the 19th there were very home and a direct Charge upon the Government, in case under that Part of the Sermon, where he was describing False Brethren with Relation to the State: And when he had declar'd very largely what they did, and what they held; he went then to what they were suffer'd to do: And said, *These False Brethren in our Government do not simply, in private spread their Poison; but (what is lamentable to be spoken) are suffer'd to combine into* Bodies and Seminaries, wherein Atheism, Deism, Trinitarianism, Socinianism, with all the Hellish Principles of Pharisaism, Regicide, and Anarchy are openly profess'd and taught, *to corrupt and debauch the Youth of the Nation in all Parts of it, down to Posterity, to the perfect Reproach, and future Extirpation of our* Laws and Religion.

That the *suffering* those Things was a direct Charge upon the *Administration*; and he so direct declar'd it so, when he concluded, that it was to the *Reproach of our Laws and Religion*; that is, of those that did not *punish*, or did not *execute* the Law: And he brought it home to the first Clause, when he declar'd the Consequence to be the *Extirpation of our Laws and Religion*.

That the Passage before read, Page 22. containing Persons of Characters and Stations, likewise prov'd the same. For, what could be a greater Charge upon the Administration, than to accuse the Ministry of putting into *publick Stations False Brethren*, that *betray'd* the Church, and *suppower'd* others to *destroy* it? That the Expression there was so general, as to reach *all* in publick Stations, that Serjeant said, he had before observ'd; and that it was so meant, might be made plain, because in the same Passage the Doctor was apprehensive that those Persons Behaviour should give occasion for believing *Religion to be but State-Craft*; that is, a Stratagem us'd by the State to serve it's Own Ends: "*That the Doctrines of the Church lay not so much in its Articles, as its Honours and Revenues*; which Honours and most tempting Revenues were in the Hands of the Crown, and those that were byass'd by them must be by byass'd by the Crown and the Administration.

That at Page 23. "*A False Brother was represented as re-*
"*linquishing his old Friends and Principles, and betraying his*
"*own Party for the little sordid Lucre of Place or Preferment.*
Which was a plain Representation of a Villain, selling his Conscience; the Price being *Place* or *Preferment*, the Buyer who pay'd him that Price, must have the Disposal of those Places and Preferments; so that those False Brethren were not only *suffer'd*, but *made* such by the Administration.

For P. 18, He plainly suppos'd, That the False Brethren he mention'd, as put into Places, were put in by our Governors, when he bid *the Governors consider* whether they were fit to be *entrusted*, *especially with the Guardianship of our Church and Crown*: For to what purpose was that *qualify'd* Admonition, if the Governors had put such Persons into no Places at all? And Admonitions to Temporal Governors, with respect to mere Matters of Government, tended only to affect 'em, if present, but could have no other Effect, when they were absent.

Which Head was concluded by the Preface to the *Derby* Sermon, without any Observation or Comment upon it, in these Words. *Now when the Principles and Interests of our Church and Constitution are so shamefully betray'd and run down, it can be no little Comfort to all those, who wish their Welfare and Security, to see, that notwithstanding the secret Malice and open Violence they are Persecuted with, there are still to be found such worthy Patrons of both, who dare own and defend them as well against the rude and presumptuous Insults of the one Side, as the subtle undermining Treachery of the other.* For the Serjeant omitted to repeat what had been observ'd upon the third Article, or upon the former Clause spoke to by himself.

And Return'd to the first Clause of the Article in hand, which run thus, "That the Doctor *Suggested that Her Majesty's Administration, both in Church and State, tended to the Destruction of the Constitution.*

Which was made out from what had been said on the other two; for, if Men of Characters and Stations in Church and State, *that betray'd* the Constitution, and *encourag'd and enabl'd others to betray it*, came into their Places thro' the *Administration*; if the general *Male-Administration of Her Majesty and those in Authority under her*, consisted in part, in *Preserving* and *Encouraging*, at least not *Discouraging* those Persons that *betray'd* and *destroy'd* the Constitution; the necessary Consequence was, that all those fatal Mischiefs complain'd of *arose from the Administration*, which therefore plainly *tended to the Destruction of the Constitution.*

Besides, that the Doctor having involv'd all those in that Description of False Brotherhood, who defended Toleration; and having declar'd the Church's *Adversaries Chief*, considering *who was Chief* and *what Promises* had been made for Continuance of the *Toleration*: His Insolence ought to be treated rather with Indignation and Contempt, and a just Punishment, than vouchsaf'd an Answer.

That, As to the next Clause containing these Words, *And as a* Publick Incendiary, *he perswades Her Majesty's Subjects to keep up a* Distinction *of* Factions and Parties, *infills groundless* Jealousies, *and foments destructive* Divisions *among them*,

and

and excites and stirs them up to Arms and Violence; 'twas sufficient in short to say.

What he advanc'd against the Foundation of the *present Establishment*, and against the *Administration*, was an *Incendiary*.

That he perswaded Men to keep up Distinctions, and instill'd groundless *Fears and Jealousies* among them, was plain from the Drift of all he said, from his Language of *Forsaking old Friends and Principles, Betraying their Party*, which he made to be the great Crime of *those in Places*, and went to shew the Folly of it, *pag.* 23.

And tho' he pretended in his Answer, that he invited Schismaticks into the Church, it was only on those Terms, that they comply'd with his Notions to a Tittle: He made no Allowance for Human Frailty, for Prejudice or Ignorance, and in some Instances expresly disallow'd 'em; and those who were so weak as to fancy the Church in *any* Particular not to be in the Right, tho' in all others they sincerely and constantly conform'd to it, even those must continue Schismaticks still: If, with those mistaken Opinions, they Communicated with the Church, they were *False Brethren*, and as such to be abhorr'd: And yet if they did not, they were not to be *Tolerated*.

Nay, whoever had so much Compassion for such a Case, as to think it might be Tolerated, was a false Brother too, as defending Toleration, which was giving up *one Point of the Discipline of the Church*, and encouraging Schism.

For tho' he seem'd *in words* to approve of an Indulgence to *Consciences truly scrupulous*, yet *in reality* he approv'd none; since he admitted not any one to have a Conscience *truly scrupulous* that differ'd from him, but all such were *False Brethren, Villains*, and to be stigmatiz'd with all the other Names of Reproach he was so liberal of.

And as to *Fears and Jealousies*, those were naturally produc'd by such Representations of the Dangers the Church and Constitution were in; and as those Dangers were meerly *imaginary*, those Fears and Jealousies were *groundless*.

So as to his inciting Her Majesty's Subjects to *Arms and Violence*, that he did it, was most manifest.

For the spreading among the People such hideous Representations of an evil Government, such Outcries, *of the Church and true Religion being undermin'd, betray'd and expos'd by those in the Administration, naturally* tended to Rebellion. And therefore at common Law, as was express'd in the Law Books, to *bear the People in Hand* (these were the very Words) *that the King's Government was erroneous, heretical or unjust, whereby the manner of the Government was Arraign'd or Invalid'd, was High Treason.*

That the Passion, Heat and Violence in that Sermon preach'd in publick could be intended for nothing else but to raise the Passions of those that heard it.

The

The People being call'd upon *to put an Resolution and Courage*; assur'd the Cause *at that Time* requir'd the *bravest Resolutions*; exhorted to *contend earnestly for the Faith*, being elsewhere told against whom, against *False Brethren*, against the Enemies he had describ'd, such as had *Places and Preferments*, were *Men of Characters and Stations*; such as were *Chief* and then *prefer'd*, and that denounc'd, *Woe against the fearful Heart and faint Hands*.

That the Expression of *standing by Her Majesty with Lives and Fortunes*, and of *Sacrificing them in Her Service*, being now become a familiar Phrase, for *assisting Her in War*, those Expressions were affected.

That in the Dedication of the *Derby* Sermon he extoll'd those, who were for maintaining what he call'd *forsaken Truth* with their *Lives and Fortunes*.

And in the Sermon at St. *Pauls*, *page* 9, 10. the Readiness to *Sacrifice Lives and Estates* in Vindication of the Church, was represented as so *Noble* a Resolution, that in comparison to that, Obedience to her Precepts that is, *a good Life*, was but as the *one thing necessary* in the Gospel, only an extraordinary pitch of Perfection, only as the selling all his Goods, and giving the Price to the Poor, was to an exact Observance of the whole Moral Law.

But in the Dedication of the St. *Pauls* Sermon the Doctor seem'd to *avow* this Design; he pretended not his Sermon to be Christianity, but *own'd* it to be *Politicks*, not *preaching Peace*, but *sounding a Trumpet*. For he stated the Objection, *that the Pulpit was not a place for Politicks; and that 'twas the Business of a Clergyman to preach Peace, and not to sound a Trumpet*. And what was his answer? Did he deny the objection to extend to himself? No, he admitted, and justify'd it by Pretence of a Divine Command, and treated the Maxim laid down in the Objection with Scorn, as contrary to the express Word of God.

But the Doctor in his Answer to that last part of that Clause, seem'd first to represent it as *inconsistent* with his *Position* of the utter Illegality of Resistance to the Supreme Power on any whatsoever, and with his *Professions* of Loyalty to Her Majesty; and then attempted to *confute it* (as his Expression was) by a Passage in the *Derby* Sermon.

The latter whereof the Serjeant rather thought a justification of the Charge; for the Passage asserted, *that every Man had, by God and Nature, a Commission to* Engage *the Enemies of the Constitution*; which were (as he had painted 'em) the Queen and Her Ministry.

The other being founded on a Supposition that the Doctor was never inconsistent, might be a very civil Complement to himself, but as it happen'd very false.

Therefore

Therefore to consider that Part of the Affair a little more particularly: As the Doctor had there manag'd the Matter, Mr. *Serjeant* own'd there was no Incapacitating in that Particular. For they said, *He had stirr'd up Her Majesty's Subjects to Arms and Violence*: And he said, *He had declar'd all Resistance unlawful*; that was true——all Resistance to the Supreme Power; but he had never declar'd Resistance to Her Majesty unlawful. He maintain'd the utter Illegality of Resistance on any Pretence whatsoever to the *Supreme Power*, but no where said, that in the Supreme Power he *included Her Majesty*, or that it was *Illegal to Resist Her*. The utter *Illegality of Resistance to the Supreme Power upon any Pretence whatsoever*, Her Majesty's professed Enemies would come into, and labour for; meaning only to condemn the Resistance that had been made against *King James the Second*, and brought about the Revolution, and any Resistance that *should be* made against the *Pretender* whenever he might come; and Dr. *Sacheverell* went no further.

Mr. *Serjeant* affirm'd That those Enemies of Her Majesty, had ever since the Revolution, made it their business, to blacken it, to raise Scruples in Peoples Minds about it, and to make the Administration odious: That the same Methods were advanc'd by Dr. *Sacheverell* into the Pulpit; and if those Methods were to appear in the greatest Assemblies, on the most solemn Occasions; if the Revolution was to be *attacked* on a Day when Her Majesty had appointed it to be *Commemorated*; if Her Majesty's Reign was to be arraign'd in Publick, and an Appeal made to the Passions of the People; with whatsoever *Professions* attended, it equally struck at Her Majesty and the Establishment; and the Commons could not but think themselves oblig'd, in Duty and Gratitude to Her Majesty, and in Justice to the whole Nation, to call him that us'd 'em after that Manner, to a publick Account: And how much soever that Gentleman commended his own Loyalty, 'twas plain that in this Sermon he was doing the very same *Work*, and in the very same *Method*, with those that *disown'd Allegiance* to Her Majesty.

Mr. *Serjeant* begg'd leave to observe a little the Doctor's Management of that Text; and therefore would suppose the Doctor to be *right* as to his *Doctrine*, and that he believ'd himself to be so; and that he was *sincere* in his *Professions* of Loyalty to the Queen. For he was not then going to dispute or limit the Doctrine of Non-Resistance, which had been the Business of those Gentlemen that spoke to the first Article.

By *False Brethren* (he said) in the Text of the Sermon were meant, those who *pretended* to be Christians, but really *were not*, and Dr. *Sacheverell* seem'd so to understand it; and therefore declar'd those to be *False Brethren in the CHURCH*, that pretended to be of the Communion of the Church of *England*, but were not; that liv'd in its Communion, but own'd

own'd not its Doctrines and Authority. By like Analogy, *False Brethren in the STATE* were such, as perhaps swallow'd the Oaths to the Queen; or if they went not so far, yet took the Benefit of Her Laws, Her Counte, Her Protection, yet deny'd Her Allegiance, and were for another Prince. That a just and well-manag'd Reproof of those had been a noble Topick for one that pretended so much Zeal for the Queen; but *they* were wholly pass'd by, *they* were not to be blam'd, there was no Danger from *them* either to Church or State. Who then, according to the Doctor, were *False Brethren in the State?* (He had been put to it to substitute some others in their Place.) They must be only those who *one way or other* oppos'd the Doctrine of *Non-Resistance upon any Pretence whatsoever*, whom he describ'd in several invidious Instances, and in all possible Terms of Reproach. This to Serjeant *Parker*, seem'd strange; for that

1. This being, as the Doctor stated it, an Error in a Doctrine of the Church, the holding it was only one Branch, one Instance of *False Brotherhood in the CHURCH*; and therefore not so proper to stand for a distinct Head of *False Brethren in the STATE*.

2. The bare denying or not believing the Doctrine of Non-Resistance, supposing it true, did not denominate a Man a *False Brother in the STATE*.

For supposing a Man own'd the Queen's Title, were satisfi'd with Her Administration, in Love with Her Reign, convinc'd that She had principally at Heart his Interest, and the true Interest of all Her Subjects; believ'd that upon the Countenance and Quiet of Her Government depended the Preservation of our Liberties, and those of all *Europe*, and accordingly obey'd and serv'd Her with Sincerity and Zeal, and thought all Resistance to Her utterly unlawful; was this Man a False Brother in State, a Rebel, a Traitor, because he thought Resistance had been lawful at the Revolution, and might be so whenever the same Breaches of the Constitution were repeated. Would he be a Rebel to *THIS QUEEN*, because there *possibly* might happen a Case, wherein he might resist *another* Prince, if that Prince *should* do what he was *sure* SHE *never would?*

At most, that Mistake only *expos'd* such a Person more easily to be misled; He might be in more *Danger* of becoming a Rebel to a Prince, he should be dissatisfied with, but was not therefore a Rebel to a Queen, he lov'd.

How then came that single Instance of False Brotherhood in State to be insisted on, which at most show'd, not that the Person was, but only that perhaps he might *become* a False Brother; and those Instances pass'd over, where Persons *plainly* were False Brethren in State?

Besides,

Besides, That this Doctrine being, as the Doctor said, a *fundamental Doctrine in State*, urg'd with *Warmth* and *Vehemence*, one would have expected some *Inference* to have been drawn from it: One would have expected that he, who had so great a Zeal as the Doctor profess'd for Her Majesty, and had so triumphantly establish'd absolute Non-Resistance, would have fallen in so far with the *Business of the Day*, and have made so much use of his *Favourite Doctrine*, as to *dissuade* from Rebellion; and when he had taken Notice of those false Steps in the Administration, that he should have perswaded the People to make proper Applications for Redress, but to be careful not to let the *Faults of the Ministry* cause 'em to forget their *Duty to the Queen*. But there was not the least Exhortation to that purpose.

All which seem'd strange, taking it for granted, that the Doctor was sincerely zealous for the Queen.

He therefore desired leave to make another Supposition; and accordingly suppos'd that Zeal to be only *pretended* to the Queen, but *really* for another, and that the Doctor thought the other his rightful Prince, and so their Lordships would find, all consistent, every Expression, and the whole Procedure, exactly just.

In Consequence of which *conceal'd* Sentiment, though the Doctor durst not directly commend those who own'd the Pretender, yet neither would he reprove them as *False Brethren in the State*; they being, according to his Opinion, the only Persons who perform'd their Duty in it. Therefore the *true* Notion of False Brotherhood was to be dropt; and instead of it, those that held Resistance lawful in Cases of *Extremity*, and particularly in that of the *Revolution*, were to be fallen upon; for they were really Rebels and Traitors in his Sense, because they directly overthrew all the Title, which the Disaffected here would fancy for the Pretender.

As long as the *Revolution* stood unimpeach'd *that Person* could have no *Title*, how favourable soever his Pretence might be: If the *Revolution* stood, the *Laws* which were founded upon it would stand too, and those Laws concerning the *Right and Succession* of the Crown, were absolutely binding; and therefore whatever *Right* he *could wish* People to believe him to have, all that Right, all *that Pretence* of Right, was as effectually barr'd, as all the Right, which those who stood in the Course of Descent before the Princess *Sophia* of *Hanover* would have had but for the *Act* of Settlement.

That this Principle was *fundamental* to the *Pretender*; and taking the Matter in that Nature, accounted, for all that Rage against those who disputed that Doctrine, *as extended* to the Case of the *Revolution*, and for his so often repeating that to be the *Test*, the *Fundamental Principle* of the Constitution

Which clearly shew'd why neither in the *Sermon*, nor *Defence*, he had once maintain'd the Illegality of *Resistance* to *Her Majesty*.

It shew'd why that *fundamental Principles* was totally forgot to be *press'd* by him upon the People; no *Inference* from it, that those Mismanagements ought not to make them forget their Duty *to the Queen*; *not one Perswasive* to Obedience to *Her*; not *one Admonition* against the Consequences of False Brotherhood in the State, that it was apt to make People rebel; *no cooling* the People, with telling 'em That Prayers and Tears were the only Arms of the Church, that they ought to do their *own Duty*, submit *wholly to the Queen*, and *those in Authority* under Her, and leave the rest *to God*. That those were the natural Consequences of the Doctrine of Non-Resistance, so violently contended for, but not one of them pursu'd or mention'd.

And perhaps *that* had made him chuse to describe the Case of *the Church*, P. 26, in the Words of the Prophet in the *Lamentations*, which are in *ch.* 1. *ver.* 4. 5. (tho' not truly cited in his printed Sermons;) *The Ways of* Sion *mourn for a time, and her Gates are desolate, her Priests sigh, and she is in Bitterness*, because *her Adversaries are chief, and her Enemies AT PRESENT prosper.*

Serjeant Parker said, That Book had been writ just after *Nebuchadnezzar's* taking *Jerusalem*; and the Condition of the *Jews then*, which the Doctor thought proper to give an Image of *England's* at that Time, was,

That *They* were inslav'd, their *King* in a *Foreign* Country, *strip'd of his Crown*, and the *Prince then Reigning* was an *Oppressor*, who had no other *Title*, but *Possession* and *Force*.

So the Doctor, out of his *tender Concern for Her Majesty's Person and Government*, had thought fit to express his Sentiments.

That, *The last Part* of the Charge was that of *Wresting and Perverting divers Texts and Passages of Holy Scripture*. Which might not perhaps seem so proper for him to speak to, but being part of his Province, he should apply to it without any Apology.

That, As wicked and corrupt as Doctor *Sacheverell* would represent the Nation, he very well knew, that the Holy Scriptures were had in such just Veneration and Regard, that whatever was cited then had a particular Influence upon the Minds of the People; whatever *Story* could be brought thence as a Parallel, whatever *Expressions* taken thence were made use of, to paint the Beauty, the Deformity, the Dangers of the Preacher's Subject gave a strong Impression, fir'd the Zeal of the People, alarm'd their Passions, and made 'em fancy they heard the *Voice of God*, when they hear'd *His Words* repeated.

The Doctor *knew so much*, and their Lordships would see what *use* he made of it.

When

When he spoke of the Perils of the Church, which Her Majesty, their Lordships, and the Commons, could not see, the Scripture was to be search'd for a *Story*, that might be brought to match the Case; and to give an opportunity, under other Names, to speak a *bold* Falsehood concerning all those.

That it happen'd there was *one remarkable Story* in the Holy Scripture about a *Mistake of Danger*, but unfortunately it *suited not the Case*, as told there, however it *gave a handle*, and he could *make from it a Story to his purpose*.

And accordingly he said, *page* 21. *When Elisha the Great Prophet of God was surrounded with an Host of Enemies that sought his Life, his Blind Servant beheld not the Peril his Master was in, till his Eyes was open'd by a Miracle, and he found himself in the midst of Horses and Chariots of Fire.*

This Story *thus* told was extremely happy for him, for thence the People were to understand *him* to be the *Inspir'd Prophet*; and the *Queen, Lords* and *Commons, blind* at least, tho' not his Servants.

But the Story in Holy Writ was directly contrary, and only the *Blind* Servant *fancy'd* they were in Danger, when *really* they were not.

That the Story was in 2 *Kings* Chap. 6. and told there, after this manner, The King of *Syria*, at War with *Israel*, being inform'd, that what he said in his Bed-chamber was told to the King of *Israel* by *Elisha* the Prophet, resolv'd to seize *Elisha*; and hearing he was at *Dothan*, ver. 14. (to give their Lordships the very Words) *He sent thither Horses and Chariots and a great Host, and they came by Night, and compass'd the City about.* Ver. 15. *And when the Servant of the Man of God was risen early, and gone forth, behold an Host compass'd the City both with Horses and Chariots, and his Servant said unto him, Alas, my Master, how shall we do?* (this was the *blind Servant* the Doctor said, saw no Danger) *Ver.* 16. *And he answer'd, Fear not, for they that be with us are more than they that be with them. Ver.* 17. *And Elisha pray'd and said, Lord, I pray thee open his Eyes that he may see; and the Lord opened the Eyes of the young Man, and he saw, and behold the Mountain was full of Horses and Chariots of Fire.* And for the Doctor's Exposition it was that that *Heavenly* Guard, those *Horses and Chariots of Fire*, which were there only to *defend* the Prophet, were to *destroy him*; and from *them* arose the Danger, which the Doctor *fancy'd* the miraculous opening the Servant's Eyes had discloss'd to him.

He therefore thought he might give the Doctor his *Choice*, what that proceeded from, whether from his *not knowing* that Passage, but taking it upon *Hearsay*, or his Resolution *knowingly to pervert it*.

This the most Stubborn way [illegible] 26. the Words of St. Paul,

Eph. 6. with which; after a Discourse where all the Moral and good-natur'd Virtues were taught in the highest Perfection; where the Apostle had recommended, *Chap. 4. ver. 2. Lowliness, Meekness, Long-suffering; forbearing one another in Love, endeavouring to keep the Unity of the Spirit in the Bond of Peace*; where he had commanded, *ver. 31. that all Bitterness, and Wrath, and Anger, and Clamour, and Evil-speaking be put away, with all Malice*; and *ver. 32.* that those to whom he writ should be *tender-hearted, forgiving one another, even as God for Christ's sake had forgiven them*; (*ver. 27.*) that had forbidden *giving place to the Devil*, but not to any other; the Apostle concluded, that in such a *Spiritual Warfare*, and that they *might be able to withstand the Wiles of the Devil*, they should *put on the whole Armour of God*, because *they wrestled not against Flesh and Blood, but against Principalities, against Powers, against the Rulers of the Darkness of this World, against Spiritual Wickedness in high Places.*

The Doctor, after a Discourse full of *Bitterness, Reviling, Wrath, Clamour and Evil-speaking, forbearing* no Man *in Love*, nor *forgiving* any that differ'd from him one Tittle, and having shown other *Devils* incarnate, (*pag. 23, 25.*) the *worst of Demons*, other *Powers*, others in *Places and Stations*, against whom *his Auditors* were to contend *earnestly*, repeated those Words, not in the *Spiritual Sense* the Apostle had us'd 'em, but, as the whole *Subject and Drift* of his Discourse show'd as an *odious Description* of the Government, in Scripture Words; and whether he meant the Armour in the Apostle's Spiritual Sense, any more than any of the other Words there, or whether he intended it a literal earthly Armour, which the Cause would make the Armour of God, he left to their Lordships to determine. However, 'twas no Defence for him, what he said, that the *Arms of Resistance to Princes was no part of the Spiritual Armour recommended by* St. Paul, because he had plainly departed from St. *Paul's* Spiritual Meaning.

And that such was his Meaning, to paint there the Nations present Circumstances in Scripture Language, plainly appear'd from what follow'd, that the *Church was bleeding of the Wounds which she had receiv'd in the House of her Friends*, borrow'd from *Zech. 13. ver. 6.* That the *Ways of Sion might mourn for a Time, and her Gates be desolate*, tho' *her Priests fight'd*, and *she in Bitterness, because her Adversaries were Chief, and her Enemies AT PRESENT prosper'd.* He said he had observ'd, from what Circumstance of the *Jews* that Image was borrow'd, and their Lordships would not take notice, what *Changes* in the Expressions he had made, to render them more *Emphatical*.

That there could be no greater perverting of Scripture, than to make use of the Language of the Holy Ghost, to revile our Neighbours, to scandalize the *Government*, and to raise *Wrath, Sedition* and *Rebellion* in the People.

There-

Therefore the laſt he ſhould mention, was that in the Dedication of the St. *Paul*'s Sermon, where propoſing it as an Objection, that it was *the Buſineſs of a Clergyman to preach Peace, and not to ſound a Trumpet in* Sion; he affirm'd that to be *expreſly contrary to the Command of God*; and to *prove* that Command, cited thoſe Words, *Cry aloud, and ſpare not*; out of *Iſa.* 58. 1.

Which he apprehended to be not only *perverting*, but that to Men of Underſtanding it would ſeem *ridiculing* Scripture. That to infer, becauſe they were to *ſpeak loud*, they were to *ſound a Trumpet*, ſeem'd ridiculous.

Or if he had cited the reſt of the Words, *Cry aloud and ſpare not, lift up thy Voice like a Trumpet; and ſhow my People their Tranſgreſſion, and the Houſe of* Jacob *their ſins*; he had indeed found the Word Trumpet, but little to his Purpoſe; for it did not follow becauſe the Prophet was to imitate a *Trumpet*, in the *Loudneſs*, that the People might *hear*, that he was therefore to imitate it too as it is an *Inſtrument of War*, that they might *prepare themſelves for Battel*. Becauſe he was *loudly to tell* 'em their *own Sins*, that they might *repent*, he was not therefore to *Trumpet* to 'em the Faults of the *Government*, that they might *take up Arms*, and *redreſs* 'em by *Rebellion?*

If the Doctor found any *other Place* in the Old Teſtament to command the Prieſts to ſound a Trumpet, he ſhould refer him to the 10th of *Exodus*, where he would find the Prieſts were *literally* to ſound the Silver Trumpets in the Army; *in the Field*, but he would not find they ever ſounded them from the *Pulpit*.

He ſaid, he ſhould offer nothing farther to their Lordſhips on that Head, tho' there was room for it.

But there were *two* things in the *Anſwer to that Article* which he could not omit taking Notice of.

The *firſt* was in his Anſwer to the *firſt part* of that Article, which charg'd him with *Suggeſting, that Her Majeſty's Adminiſtration, in Church and State, tended to the Deſtruction of the Conſtitution*; where he took *great Comfort* that in the ſaid Article he was charg'd not with Suggeſting *and Maintaining*, but Suggeſting *only*, and hop'd that bare Suggeſtions, or Inſinuations, ſhould not in involve an *Engliſh* Subject in the Guilt and Puniſhment of High Crimes and Miſdemeanours: Mr. Serjeant ſaid, he did not envy him his *Comfort*, nor ſhould he labour to take it from him, tho' it ſeem'd *ſtrangely founded*; for tho' it was *expreſly* ſaid, that he *charged Her Majeſty with a general Male-Adminiſtration*, tho' the Accuſation were *poſitive*, that *as a publick Incendiary he perſuaded the Subjects to keep up Parties, fomented Diviſions amongſt them, and ſtir'd them up to Arms and Violence*, and *perverted divers Texts of Scrip-*

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ture; notwithſtanding *all theſe* poſitive Charges, yet the *firſt Expreſſion* happening to be *only*, *Suggeſt*, and *not*, *Maintain*, it ſeem'd he was very *happy* in it.

But that was an *extraordinary Step*, that let a Man caſt never ſo many *Scandals* and *Reproaches* on the *Government*, tho' in never ſo *publick a Manner*, yet if it were done by way of *Suggeſtion* and *Inſinuation*, and the Charges not expreſly *maintain'd* and *avow'd*, there was *no* Crime in it, or, not any *high* one. Which was in ſhort, that *Sedition*, and expoſing the Government, was lawful; only the *Manner* was to be taken care of: It was not to be done *directly and avowedly*, for that would be *dangerous*; but it might be done by *Suggeſtions* that every Body would *underſtand*, and which would have their *full Effect*, and all was *ſafe*: For that thoſe who came to judge were not to underſtand it, though every Body elſe did.

That there were two extraordinary *Claims of Right* before their Lordſhips, and of great Conſequence, if they allow 'em; one, that the *Clergy* might ſound a Trumpet in *Sion*, in a *Military Senſe*, and were not to be reſtrain'd to the Preaching of Peace; the other, that every *Engliſhman* was at Liberty to *aſperſe the Government* at Pleaſure, by whatever *Suggeſtions* and *Inſinuations* he pleas'd; and thoſe made by a *Warm* Advocate for *Paſſive Obedience*, the moſt *peaceful* and *ſubmiſſive* Doctrine in the World.

That in the Caſe *de Libellis Famoſis*, in the fifth Report, there had been a Proſecution for a Libel, not indeed ſet forth at large in the printed Book, (which had not been fit) but ſo far particularly taken notice of, that it traduc'd and ſcandaliz'd one Perſon *dead*, and him an *Archbiſhop*, by *Deſcriptions and Circumlocutions*, and not in *Expreſs Terms*; and no Body had ever doubted it's been *Criminal*. Yet tho' there ſhould have been greater Strictneſs obſerv'd in reſpect of *private Perſons*; when the *Queen* and *Government* were concern'd, when *All* lay at Stake, a Man ought to *guard* himſelf, and his Expreſſions, not to touch in the leaſt there; and every Man that was *truly* Loyal, and deſir'd the *Peace* of his Country, *would do* it: And knaviſh Deſigners againſt the Publick Peace were not to be ſuffer'd to go on in overthrowing it, becauſe they had contriv'd *crafty Ways* of doing it.

This, he ſaid, he mention'd only to oppoſe the *preſent Claim*, tho' in that Caſe the Reflections were *plain* and *full*.

The other was the Doctor's Lamentation at the Cloſe, which the Serjeant could not but take Notice of as an inſolent Reflection on the *Honour* and *Juſtice* of the *Houſe of Commons*: The Words of it thus, " Hard is the Lot of the Miniſters of the " Goſpel, if when they cite the Word of God in their general " Exhortations to Piety and Virtue, or in the Reproofs of Mens " Tranſgreſſions, or when they are lamenting the Difficulties

" and

" and Conflicts, with which the Church of Chriſt, while Mi-
" litant here on Earth, muſt always ſtruggle, the ſeveral
" Texts and Paſſages by them cited, ſhall be ſaid to have been
" by them meant of particular Perſons and Things, and ſhall be
" conſider'd in the moſt criminal Senſe, and be made by ſuch
" Conſtruction one Ground of an Impeachment for High
" Crimes and Miſdemeanors.

This Mr. *Sergeant* ſaid had been put into the Anſwer, not by way of Defence, but to print it before it came to be conſider'd, and lay hold of that as an Handle, as had been done, to ſay Doctor *Sacheverell* had been proſecuted only for *doing his Duty as a Clergyman*, which was a ſcandalous Reflection.

He ask'd, whether the Story of *Eliſha*, *as told by* the Doctor was an *honeſt* Citation of a Paſſage of Scripture?

Whether *Enemies* that were *chief*, and the *Adverſaries* who at that *preſent proſper'd*, were no particular Perſons, then in being; tho' to the Scripture Expreſſion he had added the Words, *At Preſent*, for fear the Application ſhould not be cloſe enough?

Whether that Sermon was an *Exhortation to Piety and Virtue*, or were not manifeſtly a *Trumpet to Rebellion*? Whether it was a ſhewing the Audience their *own Faults*, that they, might *cure* 'em, and *amend their Lives*; or were not plainly the *expoſing* the Faults of others, the *Faults of their Governors*, that they might *hate the Perſons*?

Whether even the Doctrine of *Paſſive Obedience*, was there ſo warmly contended for, that people muſt be *Dutiful* and *Submiſſive*, or that they might be *enraged* againſt thoſe that deny'd it? And in ſhort, whether *one Chriſtian Vertue* were taught in it? Except their Lordſhips would honour with that Name the ſticking, not to the *Church* and *Chriſtianity*, but, according to the Doctor's own Expreſſion in another Place, *to a Party*; and *Courage*, not only a *Paſſive*, which he no where *recommended*, but an *Active* againſt the *Government*, to which the whole Diſcourſe *incited*?

To conclude he ſaid, The *Commons* had the greateſt and juſteſt *Veneration* for the *Clergy* of the Church of *England*, who were *Glorious* through the whole *Chriſtian World* for their *Preaching* and *Writing*, for their *Steadineſs* to the Proteſtant Religion, when it had been in the utmoſt Danger. They look'd upon that *Order* as a *Body of Men*, that were the *great Inſtruments* thro' whoſe Aſſiſtance the Divine Providence conveyed *ineſtimable Advantages* to them: They look'd upon the *Church Eſtabliſh'd* as the beſt and ſureſt *Bulwark* againſt Popery, and that therefore all *Reſpect* and *Encouragement* was due to the *Clergy*, and it was with *Regret* and *Trouble* that they found themſelves *oblig'd* to bring before their Lordſhips in ſuch manner *one of that Order*.

But when they consider'd Doctor *Sacheverell*, *stripping* himself of all the becoming Qualities *proper* for his *Order*, nay of all that *peaceable* and *Charitable* Temper which the Christian Religion requir'd of *all* its *Professors*, *deserting* the Example of our *Lord* and *Master*, and of His holy *Apostles*, and with *Rancour* and *Uncharitableness* branding all that differ'd from him, tho' thro' *Ignorance*, with the Opprobrious Titles, of *Hypocrites*, *Rebels*, *Traitors*, *Devils*, *reviling* them, *exposing* them, *consulting* 'em to Hell, and *leaving* 'em *there*; *treating every Man* that fell in his way worse than *Michael* the Arch-Angel us'd the *Devil*; coming himself nearer the Character in St. *Jude*, part of which he won'd have apply'd to others, *despising Dominion*, *speaking evil of Dignities*, *like raging Waves of the Sea*, *foaming out* his *own Shame*; *forgetting*, when his *Text* and his *Doctrine* led to it, to recommend the *Peace of his Country* in a Time when all *Europe* was in *War*, and nothing could preserve the Nation from falling into the Hands of the *grand Enemy and Oppressor*, but the People's Unanimity under *Her Majesty*; then *labouring* to *sap* the Establishment, and *railing* and *declaiming* against the *Government*, crying, *to Arms*, and *blowing a Trumpet* in *Sion*, to engage his *Country* in Seditions and Tumults, to overthrow the *best Constitution*, and to betray the *best Queen* that had ever made a People happy, and that with *Scripture* in his Mouth.

That the Commons look'd upon him by that Behaviour, to have *sever'd* himself from *all the rest* of the Clergy, and thought it their *Duty* to bring to Justice such a Criminal; and were in no fear of being thought *Discouragers* of those who preac'd *Virtue* and *Piety*, because they, in the Supreme Court of Justice, *prosecuted* him that preach'd *Sedition* and *Rebellion*; or to have any *Design* to lessen the *Respect* and *Honour* that was due to the *Clergy*, by bringing him to Punishment that Disgrac'd the *Order*.

After Sergeant *Parker* Mr. Secretary *Boyle* told the Lords, He was commanded by the House of Commons to have a Share in Maintaining the Articles of Impeachment against Dr. *Sacheverell*; and it fell to his Lot to speak to that Fourth Article, which contain'd no less a Charge than Endeavouring to Excite and Stir up Her Majesty's Subjects to Arms and Violence.

That, the Ground of that Accusation, was the Dedication of a Sermon Preach'd at *Derby* at the last Assizes; and another Sermon Preach'd at St. *Paul's* on the fifth of *November*, a Day set apart to commemorate the Preservation of the King and Parliament from the Gunpower Treason, and to give Thanks to Almighty God for the Deliverance wrought by his late Majesty, in rescuing these Kingdoms from Popery and Arbitrary Power.

That

That the whole Nation then enjoying the Benefit of that happy Revolution, and all her Majesty's good Subjects being thankful for it. One would have thought, that on such a Day, that Matter should not have been so handled as only to be expos'd; and he was perswaded, that whoever went about to asperse and vilify the late Revolution, would rejoice to see another.

That he should not trespass upon their Lordships Patience so far, as to repeat the many Passages in the Sermon that made good their Accusation, they having been so fully laid before their Lordships already by a Gentleman that Spoke before: And indeed there was the less Reason to descend into Particulars, since the whole Scope and Design of the Sermon had been to instil groundless Jealousies into the Minds of People, and to cast the most virulent Reflections imaginable upon her Majesty's Administration.

For it might be suppos'd from the Doctor's Discourse, that the Church of *England* had been then suffering under the most severe Persecution; That the Laws were no longer in Force; and that the whole Government was unhinged: than which Aspersions more violent could not have been us'd, had they liv'd in the Reign of the worst of Heathen Emperours, whereas they were Partakers of so many Blessings under the Government of the best of Queens.

That the Prisoner at the Bar lay'd some Stress upon the Word *Suggest*, as express'd in the fourth Article, which had already receiv'd an Answer, and would have insinuated that there were no plain Words in the Sermon to support the Charge; but if that Objection had been true, which they were far from admitting, and the Consequences drawn from it allow'd, he might then say, Hard would be the Case of the Government, if Men might make the most odious Suggestions against it, and cast Reflections with Impunity, under the Shelter of some doubtful Expressions, and equivocal Sentences, at the same time that the Sense and Malice of the Reflections was plain to be understood, and could hardly be mistaken.

That the Doctor did indeed affect in his Answer, and in one Part of his Sermon, to profess great Duty to her Majesty; but if those Expressions were compar'd with the Calumnies that were heap'd upon her Administration, he conceiv'd they would not mitigate his Crime, and would avail him no more than the Pretence he made to be for Liberty of Conscience, when he condemn'd the Toleration; which Excuses Mr. *Boyle* believ'd would equally weigh with their Lordships, and his Sincerity in both would equally appear.

He said, It was no new Thing among those who design'd to stir up Sedition, to bestow great Encomiums on the Person of

ſhe Prince; it had been a common Practice, and the ſame Method had been purſu'd in the late unhappy Times. The Incendiaries of thoſe Days pretending that the Proteſtant Religion was in Danger under that Government, as the Enemies of the preſent Conſtitution cry'd the Church was in Danger under this.

But that every thing was in Danger from ſuch ſeditious Diſcourſes: For what a Scene of Diſtraction and Wickedneſs was there diſplay'd to the Underſtandings of the People, to excite and inflame them to Sedition and Rebellion? Who could ſit ſtill, if they were perſuaded that *the Altars and Sacraments of their Church were proſtituted to Hypocrites, Deiſts, Socinians and Atheiſts, and that done with Impunity, and without Diſcouragement?* What could be more provoking to all good Chriſtians and good Subjects, than to be told that *People were ſuffer'd to combine into Bodies and Seminaries, wherein Atheiſm, Deiſm, Tritheiſm, Socinianiſm, with all the Helliſh, Principles of Fanaticiſm, Rigicide, and Anarchy, were openly profeſs'd and taught.*

No Man could think he was long to enjoy his Religion, Liberties or Property, if he cou'd be made to believe that *the Foundations of the Church were undermin'd, and the Government endanger'd, by filling it with its profeſs'd Enemies*; and What could be the Meaning of all that but only to make out, that Her Majeſty's Adminiſtration, both in Eccleſiaſtical and Civil Affairs, tended to the Deſtruction of the Conſtitution? And what could be the Conſequence of ſuch an Opinion inſtill'd into the Minds of the People, but diſmal melancholy Thoughts, ſeditious Practices, and at laſt open Force and Violence?

The Prieſts were to *cry aloud and ſpare not*, they were to *blow the Trumpet in* Sion; and it was declar'd there were thoſe that had Lives and Fortunes to mantain ſuch Truths as Doctor *Sacheverell* had laid down: What thoſe Truths were might be ſeen through the whole Courſe of the Sermon; they were ſuch, as was apprehended did not at all tend to the Strengthning the preſent Government, tho' they might be ſerviceable towards Setting up another.

This he ſaid was not the Spirit of the Goſpel, nor agreeable to the Principles of the Church of *England*; and they ſubmitted it to their Lordſhips Judgment, whether that Sermon were not Seditious, and whether the Priſoner at the Bar was not guilty of high Crimes and Miſdemeanors.

Mr. *Chancellor* of the *Exchequer* ſpoke next to this Effect.

That he was commanded by the Commons of *Great Britain* to bear his Part in the Management of the Impeachment againſt Doctor *Henry Sacheverell*, and particularly on that Article. And believ'd after what their Lordſhips had already heard they would think there was little Need for him to ſay any thing

thing on that Head, yet he ſhould take the Liberty to mention a few Particulars.

And firſt he could not but take Notice, that in a Sermon Preach'd on a Day appointed to Commemorate the Bleſſings they enjoy'd by the late happy Revolution, there was not one particular Clauſe to ſhow forth thoſe Bleſſings, or the Miſchiefs that were then likely to have come upon the Nation; there was a little indeed upon the Gunpowder Treaſon, but upon the Revolution there was nothing, nor did the Doctor take Notice of the Dangers they were in before it, in order to raiſe the Devotion of the People, and their Thanks to God for their Deliverance; but all the Tenor of his Diſcourſe had been to ſhow the Male-Adminiſtration of the Government, and the Dangers coming upon the Church, ever ſince the Revolution; ſo that it was plain he had no Thoughts of the Bleſſings of that Deliverance, nor any Diſlike to the Conduct of thoſe Times.

That, the Sermon had been preach'd in a Place well choſen to attempt Miſchief in; the Doctor well knowing that if he could raiſe an evil Spirit in that great City, it would do more Miſchief than in another Place where he had often attempted it; but God be prais'd he had been diſappointed, and own'd himſelf at another Time that he did not expect the Thanks of the Court of Aldermen for it.

Mr. Chancellor ſaid, he would take notice of his Dedication where the Doctor carry'd on the ſame Deſign, and own'd it on ſecond thoughts; for he was not only warm in Preaching the Sermon, but ſhow'd in his Dedication with what Spirit he had compos'd it; ſaying, That *if honeſt Gentlemen would ſit ſtill, and give up their Cauſe for want of Courage, or a juſt Senſe of the dangerous Attempts of their Enemies, without the Spirit of Prophecy, they might foretell what would become of their Conſtitution, when it was ſo vigorouſly attack'd from without, and ſo laſily defended from within.*

That he would not explain the Meaning of the Words, *Sitting ſtill*, and *Want of Courage*; yet could not but take Notice of thoſe other Words, *the vigorous Attack from without, and the laſie Defence from within.* And therefore would deſire to know whom the Doctor took to be the Defender of the Faith, and who under that Defender was to protect the Church; which muſt neceſſarily be meant as a Reflection on Her Majeſty, and upon thoſe that under Her Authority were to take Care of the Church. That the next Paſſage was a plain Confeſſion of his Seditious Intentions; where he told them his Buſineſs was not to Preach Peace, but to ſound the Trumpet, and if a Miniſter would declare it not to be his Duty to Preach Peace, their Lordſhips would eaſily judge what his Intentions were.

That he knew it was the Buſineſs of thoſe who were Proſelites to that Gentleman, to give out that there was a deſign to Narrow the Obedience due to Her Majeſty; but, they were far from it, and own'd the greateſt Duty and Submiſſion to their Soveraign, but could not bear that a Reflection ſhould be caſt upon the Reſiſtance which had been us'd at the Revolution, and hop'd their Lordſhips would never admit a Queſtion to be rais'd of the Legality of it.

The Acts of Settlement of the Crown depending upon that Legality, if that were Illegal the others in Conſequence muſt be void; and tho' Her Majeſty had an Hereditary Right to the Crown, yet he took thoſe Acts to be Her great Security, and could make no Queſtion but that if the Foundations of thoſe Acts were ſhaken, the Doctor would ſoon find another Hereditary Right to reſort to.

That the Toleration was certainly grounded upon the beſt Principles, thoſe of Religion and Policy, and he thought every Body would allow, that Nothing could Eſtabliſh Peace in a Kingdom ſo well as the granting Eaſe and Quiet to Mens Conſciences; provided they pay'd due Submiſſion to the Government, they ought not to be Perſecuted for their Religion; which was for Her Majeſty's Intereſt and Honour; for how could Her Majeſty be the Head of the Proteſtant Intereſt abroad, if Proteſtants were not Protected at home?

And it had been the Obſervation of the Lord *Clarendon*, in his Hiſtory, that ſome Eminent Clergymen having preſt King *Charles* the Firſt to make Diſtinctions among Proteſtants, by their Advice his Ambaſſador in *France* had been order'd not to go to the *Hugonot* Churches there, as he had us'd to do; which that Lord laid as an Imputation on thoſe that gave the Advice, and made this Remark, That it had been done with a Deſign of an Union with the Church of *Rome*, which prov'd of very ill Conſequence to his Affairs at that time.

He ſaid, they thought it contrary to the Duty of any Private Man to find Fault with a Law in Being, or to declaim againſt the Reaſonableneſs of the ſame, which was raiſing in the People an ill Opinion of the Law-givers and the Adminiſtration.

And there were ſome People, he wiſh'd their Numbers did not increaſe, who would not allow the Church to be out of Danger, whilſt the Civil Magiſtrate had the Government of the Church; and thoſe appear'd publickly and in Print, cancelling the Queen's Supremacy, denying the Authority of the Laws, and erecting a Church Independent on the Civil Government; of which Church he took the Doctor to be, and very properly for his Purpoſe, for there he might thunder out his Bulls and Anathema's without Controul, there was a Field

for

for him to open his Commiſſion in, where he might ſound his Trumpet, and not preach Peace.

But the Commons could never admit the Church, as Eſtabliſh'd by Law, to be in any Danger during Her Majeſt'ys Adminiſtration; it being guarded by Her Majeſty's Piety and Care of it; by the Reverend Biſhops, who were ſo diligent and watchful in their Functions, and which would always have the utmoſt Aſſiſtance of the Commons and their Lordſhips, to ſupport and maintain it: As for their Independent Church, he hop'd it would ever be in Danger, and could not but think that wholeſome Severities were very proper to be apply'd to the Broachers of ſuch Seditious Doctrines, they being Popiſh Principles, and if they ſhould obtain here would certainly bring in Popery along with them.

That, He could not conclude without taking Notice of a very unjuſt Reflection made upon the Commons in the Doctor's Anſwer, wherein he charg'd them with Deſigning to reſtrain the Miniſters of the Goſpel from doing their Duty, in recommending Piety and Virtue to their Auditors. Thoſe being Doctrines ſo proper to come from the Pulpit, ſuch as recommended them would always meet with the Countenance and Encouragement of the Houſe of Commons; but when a Clergyman acted contrary to his Function, and inſtead of reproving Vice and Immorality, took upon him to reproach the Government; when inſtead of Preaching Peace, and Charity, and other Moral Virtues, he took upon him to raiſe Jealouſies, foment Diviſions, and ſtir up Sedition, it was high time for the Juſtice of the Nation to put a Stop to it: And as ſuch a Perſon they charg'd Doctor *Sacheverell*, and thought they had made good their Charge, and could not doubt their Lordſhips Juſtice upon the Offender.

Then the Lords Adjourn'd to their own Houſe.

Thurſday, March 2. The Fourth Day.

THE Lords being come into *Weſtminſter-Hall*, and ſeated as before, The Sergeant at Arms made Proclamation for Silence, and for Doctor *Sacheverell* to appear.

The Doctor appearing accordingly, with his Council, the Lord Chancellor directed the Managers to proceed in their Evidence.

Then Mr. *Lechmere* proceeded ſtill upon the Fourth Article, ſaying,

Their Lordſhips had adjourn'd the day before when the Commons were proceeding on their Fourth Article, a Share of which Service was appointed to him, and the Proofs they Inſiſted

fisted on, in Maintenance of that Part of their Charge, having been laid before their Lordships with great Exactness, and all the Enforcements, they could well receive, having been already offer'd to them, by those Gentlemen, that had gone before him; he found himself acquitted from giving their Lordships much Trouble upon it.

That, the Charges, contain'd in the precedent Articles, were particular and distinct; Of so high a Nature in themselves, and of such Eminent Consequence to Her Majesty and Her Government, that they had held themselves oblig'd, to treat each of them, with all imaginable Clearness and Solemnity; and that, from the true Zeal and necessary Concern, with which the Commons, upon such a great Occasion, were so justly inspir'd, for the Honour of her Majesty, and the Prosperity of Her Kingdoms.

And, the subject of that Article being laid down in General Positions, some of which were the Result and Consequence of the former Articles; it would therefore be necessary to remind their Lordships of the Passages produc'd in support of them; as for the Application of them, to the several Branches of this Charge, it was easie and obvious: The further Passages, pointed out to them the Day before, were many in number, and the Assertions positive, scarce liable to any Constructions, more innocent in themselves, or more favourable for the Prisoner, than what had been put upon them: But tho' the more flagrant parts of the Prisoner's Discourses had been distinguish'd to them, their Lordships could not fail of discerning that implacable Enmity, which ran through the whole: Their Lordships would find little in it of the Spirit of the Gospel, of the Temper of a Christian, or a good Subject, much less of a Messenger of Peace; for when the Heart was poison'd, the Corruption would be diffus'd throughout; when Principles were deliver'd from the Pulpit, that struck at the Root of the Government in being, and the future Establishment, and were Taught as Fundamental Rules both of Law and Conscience; only such Proofs, such Exhortations were to be expected from such a Preacher, as they had heard from that man, such only, as might create universal Dissatisfaction, would disquiet the Minds, and tend to pervert the Obedience of the Subjects; such only as should be most likely to cherish and cultivate those Seeds of Sedition, which, when sufficiently Propagated, and brought up to their full Growth, could terminate in nothing less than a total Destruction.

He said, he was then to acquaint their Lordships, That the Commons had gone through their Charge, wherein they had been heard by them, with great Candour and Patience; And that imperfect View, the best he was able to give them, in opening the Charge, had been amply supply'd by the great Sufficiency

ficiency of what had follow'd; And from thence, he thought he had good grounds to tell their Lordſhips, that the Impeachment, of the Commons, in every part of it, had been ſubſtantially and effectually maintain'd.

Therefore, craving leave of the Doctor to borrow a Phraſe which ſtood at the head of the laſt Paragraph of his Sermon, *What was the Reſult* of that Proceeding ſo far? In opening the Charge, they had conſider'd him, in the condition of a Perſon accus'd, but the Proofs having been produc'd, and the Evidence being unqueſtionable, even from his own Mouth, and the falſe Colours of his Diſcourſe being taken off, and his Scheme reduc'd to its true Conſiſtency, by the Endeavours of other Gentlemen, to whoſe Tasks they had fallen, he ask'd leave to repreſent him to their Lordſhips in a true Light, and in his proper Colours.

He ſaid, their Lordſhips then ſaw that Gentleman, under the Reign of the greateſt and beſt of Princes, that ever wore a Crown, whoſe Title to the Throne ſtood upon a more ſolid and indiſputable Foundation than that of any Prince upon Earth, guarded and defended by the beſt Laws in the World, and the entire Affection of all Her true Subjects, and which none could draw in queſtion with any other Deſign than to weaken its Support:

They ſaw him, under an Eſtabliſhment and Conſtitution, excellently contriv'd and adapted to anſwer all the good Ends of Government, which had withſtood the open Aſſaults of Arbitrary Princes, and the more crafty Attempts of Papal Encroachments; And which, ſince the true Religion had been Eſtabliſh'd among them; had been preſerv'd in deſpight of the dangerous Endeavours of Papiſts, by dividing Proteſtants, to make way for its Deſtruction; A Conſtitution, which had happily recover'd its ſelf, at the Reſtoration, from the Confuſion and Diſorders, it had been thrown into by the horrid and deteſtable Proceedings of Faction and Uſurpation, and which after many Convulſions and Struggles, had been providentially ſav'd at the late happy Revolution; and, by the many good Laws paſs'd ſince that time, ſtood then upon a firmer Foundation; Together with the moſt comfortable proſpect of Security to all Poſterity, by the Settlement of the Crown in the Proteſtant Line:

Their Lordſhips had found this Perſon, at a time when the Church of *England* as by Law Eſtabliſh'd was in perfect Proſperity and Safety at Home, and in higher Reputation Abroad, than in any Age that had gone before it; At a time, when the Nation enjoy'd Peace and Tranquility, and all the good Effects of a prudent and ſucceſsful Adminiſtration, demonſtrated by the Harmony and Unanimous Endeavours of all Her Majeſty's true Subjects to ſupport it.

They

They had found him in the moſt ſolemn and publick Manner, levelling the moſt virulent Diſcourſe againſt Her Majeſty's Title to the Crown, and againſt the preſent Eſtabliſhment, and calculated to favour the Pretenſion of Another;

Their Lordſhips found in it the ſame Principles reviv'd and avow'd by him in the ſame dangerous Extent, as in a late Reign, by the profeſt Inſtruments of Popery and Arbitrary Power, and apply'd in Condemnation of the Glorious Work of the late Happy Revolution;

Their Lordſhips had found him, Arraigning the Honour of Her Majeſty and her Parliament, aſperſing Her Adminiſtration both in Church and State, ſtirring up Sedition, and exhorting to Rebellion; and that, in the Name of God Almighty, as one commiſſion'd from Heaven to that End, and wreſting the Scripture to thoſe impious Purpuſes, in the moſt prophane and impious Manner.

On which Grounds, the Commons had charg'd the Crimes to have been committed by him with an Intent to undermine Her Majeſty's Government, and to ſtir up Arms and Violence: And if their Lordſhips wanted further Evidence thereof, they would remind them of the Rebellion that had been rais'd, and the High-Treaſon that had been committed, the Night before, by thoſe Perſons who abetted the Priſoner!

He ſaid, he could not aggravate the Offence, their Lordſhips would duly conſider the Heigth and Quality of it, they would think of a Satisfaction ſuitable to that, and to the juſt Expectation of the Commons.

That, the Nature and Length of the Proceeding having occaſion'd many Interruptions, they were yet aſſur'd, that no Miſconſtruction would be permitted by their Lordſhips, of what might have fall'n from any of them: They likewiſe took Notice to their Lordſhips, that the Commons had very readily acquieſc'd in their Appointment of Council to aſſiſt the Priſoner: Which their Lordſhips had inform'd them in the beginning of the Cauſe, had been done in great Benignity to him, in aſſigning him thoſe Council, which he himſelf had ask'd, and, doubtleſs ſuch, as were according to his own Heart's Deſire: And the Commons were aſſur'd, that thoſe Gentlemen would underſtand the Regard, that was due to the Nature of that Cauſe, and to the Dignity of a Proceeding, wherein the Commons of *Great Britain* appear'd as Proſecutors.

And the Commons conceiv'd, they had Reaſon to take great Satisfaction from the preſent Proceeding, whereby they had the Opportunity, to aſſert the Freedom and Excellency of the Government, and the Juſtice of the preſent Eſtabliſhment, in the moſt ſolemn Manner, and before the moſt Auguſt Judicature in the World; which ſingle Conſideration ſhow'd their Lordſhips of what Malignity the Priſoner was capable, who had ſet himſelf

ſelf to diſorder and deſtroy ſo happy and ſo beautiful a Conſtitution.

They deſir'd to put their Lordſhips in mind of thoſe Felicities, which in their Opinions, accompany'd that Proſecution; when they ſaw ſo many of their Lordſhips the Judges of that Great Cauſe, who had ſo great a Share in that Deliverance, which they were then call'd upon to vindicate; ſo many others of their Lordſhips, the Sons of thoſe Fathers, who had join'd in it; and who had the ſame Blood ſtill running in their Veins: And when they conſider'd that firm and ſteady Zeal, which every one of their Lordſhips had ſhown in Support of the preſent Settlement, what Doubt could they entertain of their moſt impartial Juſtice?

They further obſerv'd it, as the great Security of their Impeachment, That no Endeavours could prevail to prevent their Lordſhips Judgment upon it, nor any Means ſucceed to defeat its Effects:

And on t'other Hand, they had before their Eyes the many good Conſequences, that Part the Commons had taken on themſelves would certainly produce; that Strength and Vigour, 'twould add to the great Affairs of the Kingdom, and of all *Europe*, at that Critical Juncture, when the World ſhould ſee that the Commons of *Great Britain*, who had been ſo unanimous in Defence and Support of the Common Cauſe of Peace and Liberty Abroad, were thus zealous to find out and extirpate that Malignant Humour, which alone could endanger it at Home: That, whilſt the Common Oppreſſor felt the Effects of her Majeſty's Arms, the inteſtine Enemies of the Nation, and of her Government, (in the Inſtance of the Priſoner) might ſee and conſider the Force and Weight of the higheſt Reſentment of the Commons.

Thoſe good Effects (he added) would receive yet greater Enforcements from their Lordſhips Judgment; which, when it became Publick, would be an effectual Confutation of the peſtilent Doctrines, advanc'd by the Priſoner.

The Firmneſs of their Proceedings would give the ſame Steadineſs and Vigour to all other Parts of the Adminiſtration, which would from thence forward ſtrive to imitate their Lordſhips in ſo great an Example: And 'twould ſtrike due Terror on thoſe Minds, where the ſame deſtructive Errors had taken Root.

And it would bring great Comfort and Peace to all Her Majeſty's faithful Subjects, to ſee Her Majeſty's undoubted Title, the Wiſdom of her Adminiſtration, and the Proteſtant Succeſſion, ſo effectually ſupported by their Lordſhips Judgment.

He concluded, they had thought it neceſſary, in diſcharge of the great Truſt repos'd in them by the Commons, to go through

throrough the whole Charge together, that their Lordſhips might have it entire: and he was only to add, That they did reſerve to themſelves the Liberty of replying to what ſhould be offer'd on behalf of the Priſoner, and of every other Legal Advantage, that ſhould ariſe to them in the Progreſs of their Impeachment.

The Lord Chancellor then ask'd the Commons, whether they had gone through their Charge, and Mr. *Lechmere* anſwering, they had; he ſaid, they that were appointed Council for Doctor *Sacheverell* might proceed, to his Defence.

But *Sir Simon Harcourt* told their Lordſhips, That three whole Days having been taken up by the Gentlemen of the Houſe of Commons in Maintenance of their Charge, and that Day being ſo far ſpent he was bound in Duty humbly to repreſent to their Lordſhips, that it would be impoſſible for them to go through the very firſt Article ſo as to finiſh in any reaſonable Time. But they humbly expected their Lordſhips Commands.

Several of whom cry'd Go on, Go on.

And *Sir Simon Harcourt* ſaid, they muſt receive their Lordſhips Commands; but thought it of great Importance to go through the firſt Article at once, if their Lordſhips pleas'd to give them Leave.

Then the Lords Adjourn'd to their own Houſe.

Friday, March, 3. The Fifth Day.

THE Lords being ſeated in *Weſtminſter-Hall*, as before, the uſual Proclamations made for ſilence, and for Doctor *Sacheverell* to appear.

And the Doctor appearing accordingly, with his Council, the *Lord Chancellor* order'd the Council for the Priſoner, to proceed to his Defence.

Then Sir *Simon Harcourt* apply'd himſelf to the Lords in Behalf of his Client, and ſaid,

He was Council for Doctor *Sacheverell*, who ſtood Impeach'd in the Name of all the Commons of *Great Britain* of High Crimes and Miſdemeanors; the Crimes ſuppos'd to have been committed by him being contain'd in four Articles; the three laſt of which he begg'd leave to poſt-pone without mentioning any thing of them, till they had all concluded what they had to offer and lay before their Lordſhips, as to the ſeveral Charges contain'd in the firſt, and endeavour'd to ſatisfie their Lordſhips, That notwithſtanding what had been Objected by the Gentlemen of the Houſe of Commons againſt the Doctor; in Maintenance of that Article, he was an innocent Man: That

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the first Article contain'd three distinct Charges, on which they would proceed as they lay in order, The first of them being " That he Suggested and Maintain'd, that the Necessa-" ry Means us'd to bring about the late Happy Revolution " were Odious and Unjustifiable. And their Lordships had been inform'd, that by this Expression of, *the Necessary Means*, mention'd in the first Article, the Gentlemen of, the House of Commons intended his late Majesty's glorious Enterprize for delivering this Kingdom from Popery and Arbitrary Power, and the Subjects of this Realm well affected to their Country, joyning with and assisting him in that Enterprize; and in a shorter Description it had been explain'd, that those Necessary Means were, the Subjects Resistance to their Unfortunate Prince then upon the Throne. Of which Resistance the Doctor had made no mention in his Sermon; he had indeed affirm'd the utter Illegality of Resistance on any Pretence whatsoever to the Supreme Power, but it could not be pretended, that any such Resistance had been us'd at the Revolution; the Supreme Power in this Kingdom being the Legislative Power, and the Revolution having taken effect by the Lords and Commons concurring and assisting in it. Whatever therefore the Doctor had asserted of the utter Illegality of Resistance, his Assertion being applied to the Supreme Power, could not relate to any Resistance us'd at the Revolution, and consequently could not be an Affirmance, that such Resistance, or such Necessary Means, were Odious and Unjustifiable. That one of the Learned Gentlemen, who spoke the third Day of the Trial, in Maintenance of the last Article, had concurr'd with him in that, and objected it to the Doctor, That he had guarded himself by confining his Assertion to the Supreme Power, without averring the utter Illegality of Resistance to the Queen; but had he in express Terms affirm'd the Unlawfulness of such Resistance; yet by the same Arguments which had been us'd, the Doctor would have been told, he had been Preaching a slavish Doctrine. That another Gentleman of the House of Commons, (and he thought there were but two of them who had taken notice of that Expression of the Doctor's of *the Supreme Power*) observ'd, that the Doctor had asserted the Illegality of Resistance to the Supreme Power on any Pretence whatsoever, which Power he admitted was the Legislative, and declar'd, if the Doctor had really meant that Power, he should not have differ'd from him; and without doubt, their Lordships and all Persons would concurr with him, that it was utterly unlawful to resist the Supreme Power. However that Gentleman being satisfied, tho' the Doctor had expressly mention'd the Supreme Power, which was the Legislative, that he certainly intended the Supreme Executive Power, had concluded him to be guilty of the Charge in the first Article; which he-

he also mention'das an Instance of the great Mercy and Lenity of the House of Commons, who might have proceeded against him for High Treason, as a *Parson* in one of the late Reigns had been Prosecuted for Words, which he thought less offensive, and dangerous, than that Assertion preach'd by Dr. *Sacheverell*; and yet that Gentleman had been pleas'd to say, that had a Dissenter, whose Affection to the Government stood unsuspected, express'd himself as the Doctor had done, the Gentlemen of the House of Commons would not have thought fit to have prosecuted him. The Case alluded to Sir *Simon Harcourt* took to be the Case of Mr. *Roswell*, a Non-conformist Minister; Indicted in the 36 *Car.* 2. for Words by him spoken in a Sermon preach'd at a Meeting-house, and the Prosecution carry'd on through the Violence of those Times, and generally detested; yet being Convicted; on cooler Thoughts, and consideration of the Uncertainity in his Expressions, that they could not amount to such a Crime, as he stood charg'd with, Judgment was Arrested, and Mr. *Roswell* Discharg'd. That another learned Gentleman, upon opening the Charge had been of Opinion, that the Doctor, in his Assertion of the Illegality of Resistance to the Supreme Power, did really neither mean the Legislative, nor Executive Power, but had the Pretender in his view; which was diving into the Secrets of his Heart, and searching into his Thoughts, only known to God, which had been urg'd to avoid the strange Inconsistency, in concluding, that the Doctor should be endeavouring to undermine the Government, by Preaching up the utter Illegality of resisting it.

Now if there were a double Sense, in either of which those Words were equally capable of being understood; if in one Sense the Doctor's Assertion were undeniably clear, but in the other some Doubt might arise, whether his Words were Criminal or not, the Law of *England* was more merciful, than to make any Man a Criminal, by construing his Words, contrary to the Natural Import of them, in the worst Sense. Which was the great Justice and Clemency of the Law, in every Man's Case; but some Persons were intitled to have a more favourable Construction put on all their Words and Actions, than others were, such as Persons acting in Execution of their Offices, in Obedience to Authority, or by a Commission from the Crown such Persons being look'd upon, as under the immediate Protection and Care of the Law: Then how much more reasonable was it, that Ministers of the Gospel, who had their Commission from God, and spoke in his Name, should have the most candid Interpretation made of whatever they said; which he was perswaded, had been one of the chief Reasons in the Case of Mr. *Roswell* to allay the Rage of that Reign, and obtain Mercy for him, tho' a Non conformist Minister under a Conviction of High-Treason. That 'twas a

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hard Fate attended that unhappy Gentleman, if he should lye under the Imputation of being thought an Enemy to the Revolution, and to the then happy Establishment, on that Foundation: For what Evidence would their Lordships expect he should produce to clear himself? He had shown his Submission to the Revolution, from the first Moment his Years had made him capable of doing so; he had given all the publick Testimonies of his Fidelity and Affection to the last Reign, as well as the present, which the Government had ever required from the most suspected Persons; he had taken the Oath of Allegiance, and the Abjuration, and sign'd the Association. 'Twas a miserable Case any Man was in, if after he had taken the Abjuration, the utmost which was requir'd, he should still be told he had indeed abjur'd the Pretender, but had not yet forgot him. If neither the Inoffensiveness of the Doctor's Behaviour nor his Words, nor Oaths could satisfie, if after all those Demonstrations the Doctor had given of his Fidelity, he was still liable to be censur'd, what Satisfaction was it possible for him to give?

But, If the Manner of that solemn Prosecution had not alter'd the Nature of Things, Sir *Simon* hop'd he might insist; without putting in a Claim of Right in behalf of all the factious and seditious People in the Kingdom to revile the Government at Pleasure, That by the then happy Constitution, a Subject of *England* was not to be made Criminal by a labour'd Construction of doubtful Words; or, when that could not serve; by departing from his Words, and having recourse to his Meaning. There had been too many Instances of that Nature before the late happy Revolution; which had put an End to such arbitrary Constructions.

He said, he might trouble their Lordships on that Head with Multitudes of Authorities, but should mention only one; which was an Authority of their Lordships, upon a Writ of Error, immediately after the Revolution; Sir *Samuel Barnardiston*'s Case; and he beg'd leave to refer to their Lordships Journal, May 14, 1689. That Gentleman had been call'd in Question in the Reign of King *Charles* the Second (*Hill. Term.* 1683.) for writing some Letters suppos'd to be Seditious, and highly reflecting on the Government, and the publick Justice of the Nation at that time. Upon his Tryal he had been represented as a seditious Man, of a turbulent Spirit; and being so painted by the Chief Justice who try'd him, tho' his Actions were inoffensive, a Verdict was obtain'd against him, and Judgment was to be given; not being look'd upon as an inconsiderable Man, not as a Tool of his Party, but as one of the Heads of it, a Fine of ten thousand Pounds had been set on him. Their Lordships had Revers'd that Judgment, and as a Glorious Instance of their Justice, not contenting themselves with the Right they had done in the

Case then before them, at the same time provided, as far as possible, that no innocent Person, in After Ages, might suffer Wrong. Their Lordships therefore, in an extraordinary Manner, order'd the Reasons of their Judgment to be enter'd in their Journal, in the following Words: " First, the Infor-" mation in that Case having been grounded upon Letters, " which in themselves were not Criminal, but made so by Innu-" endo's, their Lordships declar'd that Innuendo's, or sup-" pos'd and forc'd Constructions, ought not to be allow'd, " for all Accusations should be plain, and the Crimes As-" certain'd. He hop'd it was needless to his present Purpose to read to them the second Reason; but as 'twas another Instance of their Lordships Justice, which ought never to be forgot, he should take the Liberty of doing it: It related to the Fine of ten Thousand Pounds, and tho' Sir *Samuel Barnardiston* was a Gentleman of a very considerable Estate, their Lordships had declar'd, " Secondly, That the said Fine of ten Thousand " Pounds was exorbitant, and excessive, and not warranted by " Legal Precedent in former Ages; for all Fines ought to be with a *Salvo contenemento suo*, and not to the Party's Ruin. Those were their Lordships Declarations in that Case; and if there were any Uncertainty or Doubt in the Doctor's Expressions, their Lordships he hop'd would put the most favourable Construction on them. What he had hitherto offer'd, Sir *Simon* said, was with Relation to those Words, *The Supream Power*; but that which he took to be the main Objection in that Case, was, That the Doctor's Assertion of the Illegality of Resistance must be necessarily understood with Reference to the Executive Power: And if it were utterly illegal in any Case, upon any Pretence whatsoever, then it had been unlawful at the Revolution; whence the Consequence was drawn, that the Doctor was guilty of that first Charge, *of maintaining, That the necessary Means us'd to bring about the happy Revolution had been odious and unjustifiable.* This he took to be the Force of the Objection.

And, admitted the Doctor had in general Terms asserted that Proposition of the Illegality of Resistance to the Supreme Power on any Pretence whatsoever; yet was not altogether without Hopes, but that he should be able to satisfie even the Gentlemen of the House of Commons, whether that Expression were understood of the Legislative, or Executive Power, that the Doctor was an innocent Man, notwithstanding that Assertion.

He therefore declar'd, There was nothing further from their Hearts, or less necessary to the Doctor's Defence, than to dispute or to call in Question the Justice of the Revolution; they were so far from it, as to look on themselves to be arguing for it, whilst they were endeavouring to show their Lordships, that the Resistance us'd at the Revolution, was not inconsistent with the Doctrine of the Church, and with the Law of *England*, and

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that the Doctor had us'd no other Language, than what they both spoke. That when their Lordships had laid aside what had been urg'd the second Day, to show the Justice of the Revolution, and to aggravate the Doctor's Offence, supposing him guilty, the Matter would lye in a very narrow Compass; and he was in Hopes there would not appear to be so great a Difference as had been represented, between the Doctor, in his Assertion concerning the Illegality of Resistance, and some of the Gentlemen of the House of Commons; he could not say, he differ'd from many of them in their Notions of Allegiance, as stated the second Day of that Tryal.

The first thing he insisted on, supposing that general Assertion to relate to the Supream Executive Power, was, that the Doctor had not in any part of his Sermon apply'd it to the particular Case of the Revolution.

It had been insisted on the first Day, that he had not only asserted the utter Illegality of Resistance to the Supreme Power, on any Pretence whatsoever; but had also expresly affirm'd, the Revolution to be no such a Case as ought to be excepted out of his General Rule. That Sir *Simon* deny'd, and said if such an Expression could be found in the Doctor's Sermon, he should think no Punishment too great for him. But it was one thing expresly to affirm the Revolution to be such a Case as ought not to be excepted out of the General Rule, and another thing, not to make the Exception. That the Apostle, who had in general Terms enjoyn'd the Duties of Obedience and Non Resistance to the higher Powers, had made no Exception when he laid down those Precepts; nor on the other side, had he said, no such Case could ever happen, wherein Obedience was not to be paid, or Resistance not to be made. He was silent in that Matter; and the Doctor's Expression, in that Case, was agreeable with that of the Apostle. That to prove the Doctor guilty of that first Charge, and his directly applying his General Rule of the Illegality of Resistance to the Supreme Power, to the particular Case of the Revolution, a Learned Gentleman (who had maintain'd the first Article) on the second Day of that Trial, first stated to their Lordships the Page wherein the Doctor mention'd the utter Illegality of Resistance, and read that Passage in the following Words: "The "Grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady belief of the "Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power, in all things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever. And then, shew'd the Doctor went on and said. "Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the "Revolution of this Day in their Defence. Which might very

reasonably make an Impression upon their Lordships, for want of comparing those several Passages in the Doctor's Sermon, at the same time that Objection was made. But he beg'd their Lordships would observe the distance of those two Passages from each other, between twenty and thirty Lines, in which several distinct and entire Sentences were contain'd, to which that last Passage of *our Adversaries*, &c. plainly related. The next Method us'd to prove the Doctor guilty, had been by taking the Passage in it self, independently, from anyother; and that he own'd to be the true way of considering it: And taking it in that manner, 'twas objected, If in no Case whatsoever 'tis lawful to resist, 'twas then unlawful at the Revolution. Such a Doctrine must be a slavish Doctrine. An unlimited Passive Obedience and Non-Resistance was a slavish Notion.

Sir *Simon* declar'd, that Doctor *Sacheverell* did not contend for it, nor was there any thing mention'd in his Sermon of such an Obedience or Non-Resistance. The small Difference between the Gentlemen of the House of Commons, who thought that Expression so highly Criminal, and the Doctor, who still conceiv'd it to be otherwise, being, whether, when the General Rule of Obedience was taught, the particular Exceptions, which might be made out of that Rule, were always to be expres'd; or whether, when the General Rule was laid down, the particular Exceptions, which might be made out of that Rule, were not more properly to be understood or imply'd.

He humbly apprehended, that extraordinary Cases, Cases of Necessity, were always implied, tho' not expres'd, in the General Rule. The Revolution had been such a Case, when the unhappy Sovereign, then upon the Throne, mis-led by evil Counsellors, had endeavour'd to subvert and extirpate the Protestant Religion, and the Laws and Liberties of the Kingdom. The General Rule ought always to be pres'd, but the Exceptions of extraordinary Cases, of Cases of Necessity, were never particularly to be stated. To point out every such Case before-hand was as impossible, as it was for a Man in his Senses not to perceive plainly when such a Case happen'd.

Every Minister of the Gospel he said, was sufficiently instructed from the Doctrine of his Church, the written Laws of the Land, and the Law of God, to press the general Duty of Obedience, but such extraordinary Cases, wherein Resistance was lawful, wherein it became an indispensible Duty, were no where laid down. That the same Apostle, who had injoyn'd Obedience and Non-Resistance to the higher Powers, had also commanded Servants to obey their Masters, and Children their Parents, in all things: Notwithstanding which general Precepts, many Cases might happen, wherein it might be not only unfit, but sinful for Servants to obey their Masters, or Children their Parents. And yet the Apostle had not thought it proper

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to state, or mention those Cases, but contented himself to press the Duty of Subjection in general, leaving such Cases, when they happen'd, to justifie themselves.

That such Cases, with Respect to Resistance against the Supreme Power, were no way fit to be consider'd, but in Parliament; and even the Parliament it self had never yet thought fit otherways to consider them, than by way of Retrospect, to justifie what had of Necessity been done in those Cases, but never had gone so far as to enumerate the Cases of that kind, which might happen for the Future, wherein it might be lawful for the Subject to resist; nothing being more evident, than that the Subjects would be sometime or other thereby tempted to exceed their just Liberty.

He beg'd Leave to close what he had offer'd to their Lordships on that Head, with an Observation borrow'd from Mr. *Pym*, at his delivering the Charge against Doctor *Manwaring*. Mr. *Pym*, speaking of the Dutchy of *Normandy*, observ'd; that the said Dutchy lying under some Grievances, contrary to their Franchises, had made Complaint to *Lewis* the Tenth, who acknowledging the Right and Custom of the Country, and that they had been unjustly griev'd by his Charter, provided that from thenceforward they should be free from all Subsidies and Exactions to be impos'd by him, and his Successors, but with this Clause, *Unless when great Necessity required*; which small Exception, Mr. *Pym* observ'd had devour'd all their Immunities granted by that Charter. Sir *Simon* was of opinion he might as reasonably conclude, that if Clergymen, or others, in their Sermons, Writings, or publick Discourses, instead of Preaching up the General Rule of Obedience, were permitted to state the several extraordinary Cases, which might arise, the several excepted Cases, which, notwithstanding the General Rule were imply'd; such Exceptions would in time devour all Allegiance.

That having thus stated to their Lordships the Question between them, whether such excepted Cases as the Revolution were not more proper to be left, as implied, than to be express'd, when the general Duty of Obedience was taught; he said, he should endeavour to satisfie their Lordships, First, That the Doctor's Assertion of *the Illegality of Resistance to the Supreme Power in any Persons whatsoever*, in general Terms, without expressing any Exception, was warranted by the Authority of the Church of *England*: And Secondly, that the same Manner of Expression was agreeable to the Law of *England*.

First, That as to its being warranted by the Authority of the Church. Their Lordships had been informed, on the first Day of the Tryal, how Bravely even their Popish Ancestors had asserted the Legality and indispensible Duty of Resistance, when ever they thought the Liberty of their Country requir'd it; but that in the Reformation, when Truth began to shine

out, then it became evident that the Notion of the Illegality of Resistance was a slavish Doctrine. And the Learned Gentleman who had mention'd it undoubtedly pitch'd on a very proper Time to begin his Search after Truth; and from thence Sr. *Simon* would endeavour to trace it.

One very early Authority in the Dawn of the Reformation, he found in a Book intitled, *A Necessary Doctrine and Erudition, for any Christian Man*, publish'd by the King's Command, 34. *H.* 8. Being a Treatise compos'd by the Direction of *Cranmer*, by *Ridley*, *Redmayn*, and other very great and learned Men. He found it highly commended in the History of the Reformation (Part 1. Book 3. Pag. 286.) The Reverend Author of that History giving an Account how well the Reformers were employ'd (*Anno* 1540) tho' not in the Way of Convocation; That a select Number of them then sate, by Virtue of a Commission from the King, confirm'd in Parliament; and their first Work had been to draw up a Declaration of the Christian Doctrine for the necessary Erudition of a Christian Man, and (Pag. 296.) that 'twas set forth, with a Preface, written by the Clergy employ'd in it, declaring with what Care they had examin'd the Scriptures, and the ancient Doctors, from whom they had gather'd that Exposition of the Christian Faith. In that Treatise Sir *Simon* said he found the following Passages: (In the Exposition of the Fifth Commandment;) "And by "this Commandment also Subjects be bound not to withdraw "their Fealty, Truth, Love, and Obedience towards their "Prince, for any Cause whatsoever it be; nor for any Cause "they may conspire against his Person, nor do any thing to- "wards the Hinderance or Hurt thereof, nor of his Estate. (In the Exposition of the Sixth Commandment:) "More- "over, no Subjects may draw their Swords against their "Prince for any Cause whatsoever it be. And that Reverend Father of the Church, who had oblig'd the Publick with that Excellent History of the Reformation, and receiv'd the Thanks of both Houses of Parliament for it (*pag.* 291) declar'd those Expositions of the Commandments to be very profitable.

Tho' the Treatise Containing those Expositions, had been publish'd in a Popish Reign, yet as an undeniable Evidence of the Doctrine of Non-Resistance there Taught, being a Protestant Doctrine, he would show their Lordships, that the Reverend Author of the History of the Reformation had himself asserted it, in much stronger Terms, than Doctor *Sacheverell* had done. In *Edward* the Sixth's Time; The first Book of the Homilies, prepar'd by the Clergy, was publish'd by the Royal Authority; in which were three Parts of a Homily, or rather three distinct Homilies of Obedience. In one of which was the Passage mention'd in the Doctor's Answer. "Hear "good People, mark diligently; It is not lawful for Infe- "riors, and Subjects, in any case, to resist and stand against the "Superior,

« Superior, Powers, for St. *Paul's* Words be plain, that whe-
« soever withstandeth, shall get to themself Damnation; for
« whosoever withstandeth, withstandeth the Ordinance of
« God. In Queen *Mary's* Reign, when the Darkness of Popery again overspread the Nation. Resistance to Princes being a Doctrine of the Church of *Rome*, their Lordships would not expect any Authentick Evidence to be produc'd out of that Reign, in Maintenance of the Doctrine of Non Resistance.

That When Queen *Elizabeth* came to the Crown, and the Truth of the Gospel shone forth, then six Homilies had been added to the other three against Disobedience and wilful Rebellion: In which their Lordships would find many Passages wherein the Duty of Non-Resistance was prest'd and inculcated, in much stronger Terms than it had been asserted by Dr. *Sacheverell*. And the Thirty Nine Articles being agree'd upon in that Glorious Reign, by the Arch-Bishops and Bishops of both Provinces, and the Clergy in Convocation; by the 35th of them the Homilies were declar'd to contain a *Godly and Wholesome Doctrine*, and were order'd to be read in Churches, by the Ministers, diligently, and distinctly, that they might be understood of the People. That in the 13th Year of that Reign, a further Sanction had been given to the Homilies; the 39 Articles then confirm'd, and every Person in Holy Orders to be admitted to any Benefice with Cure, requir'd by Act of Parliament made in that Year to Subscribe and read them in the Church, and declare his unfeigned Assent thereto.

That her most gracious Majesty then on the Throne, as far Surpassing her Renowned Predecessor, Queen *Elizabeth*, in Supporting the Protestant Interest, and in Her Care for the Security of the Church of *England*, as in all the other Successes and Glories of Her Reign, had given a perpetual Sanction to the Books of the Homilies, by inserting in the Act of Union the Act made the 13 *Eliz.* which confirm'd the 39 Articles, by the 35th of which the Doctrine of the Church taught in the Homilies had been approv'd; and declaring that Act, 13. *Eliz.* to be *an Essential and Fundamental Part of the Act of Union*; so that he might then conclude, the Doctrine of the Church of *England* Taught in Her Homilies would continue as long, as the Union of the two Kingdoms, which he heartily pray'd might be to the World's end. And the Homilies of the Church subsisting on those Authorities so ratify'd by the Articles and Acts of Parliament, the Doctor had the concurrent Authority of the Church and State, for what he had said concerning the Illegality of Resistance.

If the Doctrine of Non-Resistance were taught in the Homilies in general Terms, as Doctor *Sacheverell* had asserted it, without any Exception; If the Articles of Religion declar'd the Doctrine Taught in the Homilies to be a Godly and Whole-

ſame Doctrine, would their Lordſhips permit that Gentleman to ſuffer for preaching it? Could it be Criminal for any Man to preach that Doctrine, which 'twas his Duty to read? The Doctor was not only requir'd by the 35th Article to read that Doctrine diligently, and diſtinctly, that it might be underſtood by the People; but to ſhow their Lordſhips, the Doctrine taught in the Homilies had not dy'd, nor been alter'd at the Revolution, he muſt obſerve to their Lordſhips, that the Rubrick of the Office appointed for the 5th of *November*, by the late Queen of Bleſſed Memory, directed the Clergy on that Day, in caſe there were no Sermon, to read one of thoſe Homilies againſt Rebellion. Since therefore the Doctor had rather choſe to preach, than to read a Homily on that Day, he could not better comply with the Command of Her late Majeſty, than by preaching the ſame Doctrine as was contain'd in thoſe Homilies he was commanded to read on that Day if he did not preach. That the Act of Parliament, inſerted in the Act of Union, enjoining him to Subſcribe to that Doctrine, before the Ordinary, and declare his unfeigned Aſſent to it, in his Parish Church, it were hard for him to be condemn'd in Parliament for aſſerting the Truth of it. He granted the 35th Article was not by the Toleration Act (to give no Offence by calling it by its true Name) requir'd to be Subſcrib'd by any Perſons Diſſenting from the Church of *England*, to entitle them to their Exemption from the Penalties mention'd in that Act. But that Act of Parliament had no way vary'd the Caſe with reſpect to the Clergy; but that whatever Duty was incumbent on them before was ſo ſtill, and therefore he hop'd their Lordſhips would not think that Gentleman had ſo highly offended.

As a further proof that the Doctrine of Non-Reſiſtance, as laid down by the Doctor in general Terms, without making any Exception, was the Doctrine of the Church of *England*, Sir *Simon Harcourt* ſaid, he would ſhew their Lordſhips, that it had been ſo preach'd, maintain'd, and avow'd, and in much ſtronger Terms than the Doctor had expreſs'd himſelf, by the moſt Orthodox and Able Divines from the Time of the Reformation. But ſince it would be too tedious to offer all the Authorities that might be produc'd on that occaſion; he would beg leave to lay before them ſome Paſſages out of the learned Writings of nine Archbiſhops, above twenty Biſhops, and of ſeveral other very Eminent and Learned Men of the Church of *England*.

And that their Lordſhips might not think that Doctrine had expir'd at the Revolution, he ſhould lay before them the Opinions of three Archbiſhops, and eleven Biſhops, ſince the Revolution, which would fully ſhew the Doctrine of Non-Reſiſtance was ſtill the Doctrine of the Church; He would not willingly give Offence in naming them, being ſure he meant no Reflection, nor could it, as he thought be any Reproach

Preach to them: As finding no other Doctrine in that case, taught by them, as far as he could judge, than what the Apostles taught before them. And therefore with their Lordships leave, he would presume to name them, and they were *Arch-Bishop Tillotson*, the two present Arch-Bishops, Bishop *Stillingfleet* late Bishop of *Worcester*, the present Bishops of *Worcester*, *Rochester*, *Salisbury*, *Ely*, *Bath* and *Wells*, *Lincoln*, *Exeter*, St. *Asaph*, *Carlisle*, and *Chichester*. If he could shew their Lordships that all those Right Reverend Fathers of the Church had preach'd the same Doctrine as the Doctor, could the same Words from their Mouths to be receiv'd as Oracles of Truth, but spoke by the Doctor, be made fit for Articles of Impeachment? He said he was sure it could not enter into the Heart of Man to conceive, that what those Reverend Prelates had asserted, that any general Position they had laid down concerning Non-Resistance, was an Affirmance that the Necessary Means us'd to bring about the Revolution had been *Odious* and *Unjustifiable*: How then could Doctor *Sacheverell* be charg'd with having Suggested or Maintain'd any such thing, for having taught the same Doctrine, in the same manner as they had done.

He said he could not suppose that Doctrine, so Establish'd by so many Reverend Fathers of the Church, to be Erroneous. If an intemperate Expression concerning one single Archbishop, who had been dead above a hundred Years, was fit to be inserted in an Article of Impeachment of High Crimes and Misdemeanors, what Punishment should he himself deserve, could he suppose the Doctrine taught by so many Archbishops and Bishops to be Erroneous. But if he might hope to be excus'd, in case he made the Supposition, that the Homilies of the Church contain'd false Doctrine, and that so many of the Right Reverend Fathers of the Church, had been capable of Erring, or being ignorant in the Doctrine of their Church, he humbly propos'd it to their Lordships, whether a Clergyman Erring after such great Examples, might not reasonably have hop'd for a more moderate Correction, than an Impeachment? Had that slavish Doctrine of Non-Resistance been first branded with its indelible Mark of Infamy, and the right and indispensible Duty of Resistance to Princes plainly shewn; had all the slavish Notions of the Common Law which might be found dispers'd throughout the Law-books, and Countenancing that Doctrine of Non-Resistance, been first weeded out of them, and some few Acts of Parliament, entirely agreeable with that slavish Doctrine, been first repealed; had the People been set right in the Notions of their Obedience, and the Ministers of the Gospel been instructed by Act of Parliament what Doctrine they ought to Preach, and what not; had all these things been first done, and the Doctor had afterwards err'd, their Lordships might have then look'd upon him, as an obstinate Offender.

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The next thing he begg'd leave to consider was, the Law of *England*; whether the Doctor's Assertion of *the utter Illegality of Resistance to the Supreme Power on any Pretence whatsoever*, in general Terms, were agreeable to the Law of *England*, and hop'd he needed not again explain himself as to that Particular, his meaning was, that as the General Rule had been always taught and inculcated by the Church, so it had always been declar'd by the Legislature, without making any particular Exception; and if that Rule held both in Church, and State, that Gentleman was strangely unfortunate, if he could not be comprehended under one, or other of them.

He said, Whatever might in any former time have been thought proper to be done by Parliament; whatever Measures the People in Cases of the last Necessity, might have taken for preserving their Liberty, asserting the Rights of their Country, and keeping themselves from Slavery; yet no Instance could be shew'd in any Age, not even in the Reigns of those Princes who had been Depos'd, that the Doctrine of the Right of Resistance, as it was term'd, had been ever permitted to be asserted by any particular Person. A memorable Case to which purpose had happen'd in the Reign of King *Edward* the Second; and was, that an Act of Parliament pass'd in the fifteenth Year of that Reign, Intituled, *Exilium Hugonis de Spencer Patris, & Filii*, by which Act the two *Spencers* had been banish'd, and the first Article in that Act against them, was, "That they had af-"firm'd and publish'd in Writing, that Homage and Oath of "Allegiance were due more by reason of the Crown, than by "reason of the Person of the King; and that if the King did "not demean himself according to Reason, in the Exercise of "his Government, his Subjects might remove him; And that "since that Removal could not be by Course of Law, they "might therefore remove him by Force. That the time when that Act pass'd, and what afterwards happen'd, was remarkable. The Act was repeal'd soon after the making it, and 'twas thought necessary then, that the People should assert that Right, and thereupon the King was Depos'd. However their Lordships would find in that King's Successor's Reign, they had been so far from casting any Blot on the Act of Exile, that in the 1 *Edw.* 3. the Repeal of the Exile was annull'd, and the Act of Exile confirm'd, by one of their first Acts. He did not deny but that in the 21st Year of *Rich.* 2. the Act made the 1st *Edw.* 3. for annulling the Repeal of the Exile had been repeal'd, and the Reversal of the Act of Exile confirm'd; but then again in the 1st of *Hen.* 4. the whole Parliament held the 21st *Rich.* 2. and all the Proceedings in it, for their Extravagance, were annull'd, and from thence the Act of Exile of the two *Spencers* continu'd untouch'd. He could not but observe to their Lordships, that tho' there were two Repeals of the Act of Exile, yet neither

neither of them mention'd the Matter contain'd in the Articles as insufficient, but the Reasons alleg'd in the Acts of Reversal were, that, " In the Proceedings against the Spensers the great " Charter had not been observ'd, for the Prelates had not been " present, nor assented thereto; besides some other Defects in " Form. That what Opinion our greatest Lawyers since had of that Act of Exile, sufficiently appear'd, Co. 7. 11. Calvin's Case, the words these, " In the Reign of *Edw.* 2. the *Spensers*, " the Father and the Son, to cover the Treason hatched in their " Hearts, invented this damnable and damn'd Opinion, That " Homage and Oath of Leigeance was more by reason of the " King's Crown (that is of his Politick Capacity) than by rea- " son of the Person of the King; upon which Opinion, says " the Lord chief Justice *Cook*, they inferr'd most execrable and " detestable Consequences. First, If the King do not demean " himself by Reason in the Right of his Crown, his Leiges " are bound by Oath to remove the King. Secondly, Seeing " that the King could not be reform'd by Suit of Law, that " ought to be done by Force: All which were condemn'd by " two Parliaments, one in the Reign of *Edw.* 2. call'd, *Exilium* " *Hugonis Le Spencer*, and the other 1 *Edw.* 3 *Cap.* 1. He said he barely mention'd those Acts to show, that however applicable the Case of the Revolution might be to that of King *Edw.* 2. yet those very Persons, by whom the King was deposed, thought it so high a Crime in the two *Spencers*, to take on them to publish such Positions, as to deserve Banishment. The next Law he beg'd leave to mention, was, the 25 *Edw.* 3. *Cap.* 2. which in general Terms declar'd *the levying War against the King in his Realm* to be *High Treason*, without any Exception whatsoever: Which was an Instance of what he contended for, that the Law, in all Cases concerning our Allegiance, laid down the general Rule, without making any Exception. So in the Oath of Obedience (as enjoyn'd 3 *Ja.* 1. 4.) all Persons were to Swear *to defend the King to the utmost of their Power, against all Conspiracies and Attempts whatsoever, which should or might be made against his Person, Crown or Dignity.* He urg'd the Oath was in General, without any Exception express'd in it; and no Man would presume to say, that Oath, which had been taken from the 3 *Ja.* 1. 'till after the Revolution, was not true. But the Answer to be given was, the same he gave in this Case, that Cases of Necessity, such as the Revolution, were imply'd, they were improper to be express'd, and why might not the like Implication equally be allow'd in the General Assertion made by Doctor *Sacheverell*? By the Act made 12. *Car.* 2. *c.* 30. for Attainder of the Regicides, it was declar'd, that *by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People collectively, or representatively,*

nor

nor any other Persons whatsoever, ever had, hath, or ought to have, any coercive Power over the Kings of this Realm.

That Act, Sir *Simon* declar'd he could not apprehend to be repeal'd; and if it were not, he besought their Lordships that Dr. *Sacheverell* might be try'd by it; and that they would be pleas'd to consider whether the Doctor's Assertion concerning Resistance had out gone the Declaration in that Law.

For their Lordships hear'd how fully the Fundamental Law of the Kingdom was declar'd by that Act; and the Doctor had only said, *'Tis Illegal to resist the Supreme Power on any Pretence whatsoever.* It might possibly be observ'd that the Expression at the End of that Declaration, extended only to a Coercive Power over the Person of the King; and what Inference might be drawn from thence, he knew not, but certainly there was nothing in the Doctor's Sermon but what might be abundantly justify'd by the Declaration in that Act.

That, The Militia Act, the 13th and 14th *Car.* 2. *cap.* 3. for ordering the Forces in the several Counties of the Kingdom contain'd a Declaration as strong as the former; for by that Act 'twas declar'd, That *neither both or either of the Houses of Parliament could, or lawfully might, raise or levy any War, offensive, or defensive, against his Majesty, his Heirs, or lawful Successors.* That when he perus'd this last Declaration in the recital of the Act, he had read carefully to the End of it, to look for the Exception, but could find none; and if there were no Exception in that Act, but that it stood as a general Declaration of the Law; if neither, nor both the Houses of Parliament could or might raise or levy War, offensive or defensive, against the King, could it be a high Crime and Misdemeanor to assert in general Terms that Resistance to our Prince was unlawful? He therefore pray'd their Lordships would compare the Doctor's Assertion in his Sermon with the Declaration in that last Act of Parliament.

He further instanc'd, That by the Corporation Act, 13 *Car.* 2. *Sess.* 2. *Cap.* 1. all Mayors, Aldermen, Common-Councilmen, and other corporate Officers there enumerated, were requir'd to take an Oath, That *it is not lawful upon any Pretence whatsoever to take Arms against the King.* By the Militia Act, already mention'd, the same Oath, That *it is not lawful on any Pretence whatsoever to take Arms against the King*, was requir'd to be taken by every Peer of the Realm, before he could be capable of acting as a Lieutenant, or Deputy Lieutenant; and by every Commoner of *England*, before he could be capable of acting as a Lieutenant, Deputy-Lieutenant, Officer or Soldier in the Militia, and by the Act of Uniformity, 13 & 14 *Car.* 2. *Cap.* 4. all Ecclesiastical Persons, and many others under the several Denominations in that Act, were requir'd to subscribe to the Truth of that Assertion, That *it is not lawful on any*

Pretence

Pretence whatsoever to take Arms against the King. That such was the Language of the Laws, and the like the Apostles had us'd in their Precepts touching Obedience and Non-Resistance to the Supream Power.

However he was to observe, that an Objection had been made to those several Acts, that by an Act made in the Second Year of the late King and Queen, 'twas Enacted, "That from thence-"forth the Oath enjoin'd to be taken or subscrib'd, by the "several Acts above mention'd, should not be requir'd to be "taken by any Person whatsoever; and that the former Acts of "Parliament, as to that Oath, were thereby repealed. That, Sr. *Simon* thought a very tender Repeal, if it were one; but admitting it to be one, it seem'd to have been argu'd from thence by a Learned Gentleman, with whom in many things he no way differ'd, that the Doctrine of Non-Resistance was become the more Unlawful, because that Oath was not to be taken thenceforward.

But as the Corporation Act requir'd the Swearing 'twas not Lawful to take up Arms against the King, so did it direct the Subscribing to the Unlawfulness of the Solemn League and Covenant; and then by the same Argument, the Solemn League and Covenant might be prov'd to have been a Lawful Oath.

He besought their Lordships to consider, whether the Repeal of that Oath could have any Weight with their Lordships. For that was a general Assertion, to which all the Peers and Commoners, in the Employments mention'd, were to swear; and there was no Exception in the Oath, but what was implied in it. Then the Question would be, whether the Proposition was not as true before it was Sworn, as after? Whether it was therefore true because 'twas Sworn, or was it Sworn because it was true? Whether the Swearing it made true, or the Truth made it fit to be Sworn? If it was true when it was Sworn, the Proposition was equally true before, and since. And he believ'd since the Oath had been taken by so many Peers and Commoners, no Man would pretend to question the Truth of the Proposition.

Having gone through the several Laws he design'd to lay before their Lordships on that Occasion, Sir *Simon* Humbly beg'd their Lordships would be pleas'd to compare the Doctor's Assertion in his Sermon concerning the Illegality of Resistance with them; and consider whether it were stronger than the Declaration of the Undoubted and Fundamental Law of the Kingdom, in the Act against the Regicides; or the Declaration in the Militia Act, or the Oath requir'd to be taken by so many Acts of Parliament, or the Declaration in the 25th *Edward* 3d. since all the Doctor had said was, That *Resistance to the Supream Power was Illegal on any pretence whatsoever*; and all the Peers and Commoners of *England*, under the Characters and Employments beforementioned, had Sworn

to

to the Truth of it; the 25th *Edward* 3d declar'd it to be High Treason; and their Lordships had heard what St. *Paul* said.

He added, he had begun his Discourse, relating to the Doctrine of the Church and the Laws of the Land, with the most sincere Protestation, that it was far from his Intention to offer any thing Inconsistent with the Justice of the Revolution; he thought the Justice of it Consistent with the Laws, the Exceptions to be made being always imply'd: And that none could shew themselves truer Friends to the Revolution, than those who prov'd that the Revolution might stand without Impeaching the Doctrines of the Church, or any Fundamental Law of the Kingdom. That Doctor *Sacheverell* having been Impeach'd for not making the Exception when he laid down the General Rule, he beg'd leave to turn the Case, and suppose the Doctor had made it. Had he been stating the Case of a Revolution, on a Day when he urg'd the Illegality of Resistance, on a Day when, if he did not Preach, he was oblig'd to read one of the Homilies against Rebellion, where there is no Exception; had he been picking Holes for the Subject to creep out of his Allegiance, and been then cited before his Diocesan; the Question was whether it might not have been ask'd him on what Authority he presum'd to Preach in that manner? Whether he found such Doctrine taught by the Apostles, by the Homilies, or by any of the Reverend Fathers of the Church? Whether he might not have been told it was his Duty, having such great Examples before him to press the general Duty of Obedience, and the Illegality of Resistance, without making any Exception whatsoever? Had he been questionn'd before the Temporal Power for Preaching as he had done, had an Indictment been fram'd against him on his General Assertion, and brought before the twelve Judges, Sir *Simon* humbly apprehended, not one of them would have declar'd he went too far: But had he been making Exceptions out of the General Rule of Obedience, and to be tried by such Juggles as were before the Revolution, might he not have been told, 'twas easie to discern what Spirit he was of, of what Party he was, and what he aim'd at, what he intended, that he had not Preach'd in Defence of the late Revolution, to shew the Justice of it; but had cover'd the Treason of his Heart, and under Pretence of justifying one Revolution, labour'd to bring about another; when he knew how far the Design had gone of landing the Pretender but two Years before, for he could mean nothing else by picking Holes in the Rules for the Subjects Obedience?

He said, he had but a Word or two to add to the other Charges of that Article: That the Gentlemen of the House of Commons had been pleas'd to observe, that tho' there were four Articles, the Substance of them all center'd in the first.

The

The second Charge in which Article was, *That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance.* That he hop'd it was not a sufficient Ground for an Article of Impeachment, if the Doctor had express'd himself in an obscure manner; he own'd he could not easily comprehend him, himself, but it might be any Man's Misfortune to express himself in such a manner, as that it might be decent and fit for him to explain himself: And he hop'd, the Doctor had explain'd himself so as to shew, that tho' he might have spoken improperly, he had yet spoken innocently. That the Gentlemen of the House of Commons had declar'd that by Resistance they meant the Resistance of the Subject to their Sovereign; but Resistance, where the Doctor mention'd his late Majesty to have disclaim'd it, could not have that meaning: because he was a Sovereign Prince, and might resist whom he pleas'd. But perhaps the Passage in the Doctor's Sermon might be capable of different Constructions, yet the Doctor had taken Care to prevent all manner of Mistakes that might possibly arise from thence: He had not only (as one of the Gentlemen of the House of Commons observ'd, made a Marginal Reference to shew what he meant, which might have been done when he apprehended that Expression would be found Fault with; but he had in the Sermon it self quoted what the Parliament did in burning a Treatise which related to the King's having conquer'd the Kingdom.

But the Question was put, what he had to do to take Notice of that Matter, and what led him to justifie the late King? Whether ever any Body living had imputed any such thing as Conquest to him? To which he answer'd, That if there had never been but that one Imputation endeavour'd to be cast on his Memory, as he had never heard of any other, surely then the Doctor had done well to wipe off that Imputation; and that it had been laid to his Charge, he refer'd to the Journals of both Houses of Parliament. Their Lordships had resolv'd the Assertion of King *William*'s and Queen *Mary*'s being King and Queen by Conquest, to be injurious to their Majesties rightful Title to the Crown, inconsistent with the Principles on which the Government was founded, and tending to the Subversion of the Rights of the People: And on the 29th of *January* 1692, their Resolution having been communicated to the Commons, had been unanimously agreed to,

The last Part of that Article he said was, *That to impute Resistance to the Revolution, was to cast Black and Odious Colours on his late Majesty, and the said Revolution.* That those very Words, of *casting Black and Odious Colours on his late Majesty, and the Revolution*, were in the Doctor's Sermon at the Close of a Sentence, which immediately preceeded the Expression of his late Majesty's disclaiming the least Imputation of Resistance:

And

And it was impossible to mistake the Place, their Lordships might examine it, and from thence the Doctor might take his Fate, Whether that Passage were applicable to what went before or to what follow'd after. Those Words of *casting Black and Odious Colours* being so far from referring to *his late Majesty's disclaiming the Imputation of Resistance*, that they concluded the Sentence which went before, where the Doctor mention'd *New Preachers and new Teachers that broach'd abominable Fictions, that the People had a Right to cancel their Allegiance at Pleasure, to call their Sovereign to Account, and who pretended to justifie the horrid Murder of the Royal Martyr King* Charles *the First, and endeavour'd to screen themselves, and their vile Notions, under the Revolution.* And the Doctor after mentioning those new Preachers and their Doctrine, went on, *Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence. But certainly they are the greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour to cast such Black and Odious Colours upon both.* He desir'd to know of their Lordships what that refer'd to, whether it did not Clear the Revolution against the Venom of those Miscreants, who publish'd such villanous Assertions as those? But a Learned Gentleman had ask'd, what a Minister had to do to meddle with those things? He answer'd, if any Man offended against the Temporal, or Ecclesiastical Laws, the Courts were open, the Magistrates were to punish.

To conclude, He did not find, if the Doctrine held, that he ought to preach against any thing; if he were not to preach against any thing that might be prosecuted, either in the Temporal or Ecclesiastical Courts, he might not preach against any Offence that was forbid by the Ten Commandments. Perhaps it would be urg'd, that there were no such People as those New Preachers and New Teachers, that he was raising a Phantom, and then throwing it down; he was only imagining Cases, of which there were no Instances; that there were no such Men who endeavour'd to Justifie the Murder of King *Charles*, or Defend it by the Revolution. But they would show there were too many Instances of such Persons who made no Scruple to publish those Positions, and cast Reflections on the Queen and Her Government, whom the Doctor had been Defending. That he was not the Person he had been represented, he had no disloyal Thoughts about him; And would rather die in Her Majesty's Defence. They would show their Lordships that there were such as ran most vile Comparisons between the Revolution, and the most execrable Murder of King *Charles* the First, and could find no better Difference between them, than the abominable Distinction of *a Wet Martyrdom*, and *a Dry One.*

After

After Sr. *Simon Harcourt*, Mr. *Dodd* Spoke in Defence of the Priſoner to this Effect.

THat he was alſo a Council for Dr. *Sacheverell*, and could not but think that by the ſame Arguments that had been us'd to maintain thoſe Articles, any Book or Sermon, tho' never ſo innocent, might be repreſented as a Libel.

That, the Gentlemen Managers of the Houſe of Commons, with Submiſſion, had ſcarce any three of them agreed in any one principal Point, excepting in the Doctor's being a Criminal before he was Condemn'd: For he had been throughout the whole Debate (generally ſpeaking) ſo call'd; the uſual Expreſſion having been, The Criminal at the Bar; which (as not uſual in other Places) would have been a great Diſcouragement to them that were his Council, and great Diſcouragement in his Defence, but that they conſider'd, that the Judgment was their Lordſhips, and that by their Juſtice he muſt ſtand or fall. It had been repreſented as if the Sermon had been perus'd and approv'd by Lawyers, but was only Suggeſted (as other matters had been) without the leaſt Proof thereof: Different Facts had been charg'd upon them; ſometimes they were tax'd for having ſaid too much, and ſometimes for having ſaid too little, and not mentioning things that were the proper Subject of the Day.

But they apprehended thoſe Matters were objected for want of obſerving the Sermon it ſelf, for as it had been preached on the Fifth of *November*, ſo their Lordſhips would find an Account given for a Leaf together, ſetting forth the horrible Deſign of the Powder Plot: Their Lordſhips would alſo find both in the Body and Concluſion of the Sermon, Notice taken of their Deliverance on that Day.

That ſome Acts of Parliament had been cited by the Gentlemen Managers for the Houſe of Commons, that of the 25th *Henry* VIII. about the Supremacy, which they apprehended was not to the preſent purpoſe; as only aſſerting the Supremacy, that is, the Independency of the Crown, which had been uſurp'd by the Papal Authority; for ſurely King *Henry* the VIII had been a Prince that would as little bear the Doctrine of Reſiſtance, as any Sovereign that ever wore the Crowns of theſe Kingdoms.

That many things had been ſaid by the Gentlemen of the Houſe of Commons wherein they heartily agreed with them; and the Revolution was a Caſe they all agreed, out of the general Rule, and ſo in every thing they ſaid, they hop'd their Lordſhips would underſtand it; for they neither did nor could underſtand it otherwiſe; it being againſt their Judgment and Intereſt to think otherwiſe; they were hearty

Well-wishers to the Revolution, and to the Happiness of *England* which was in a great measure built upon it; They agreed the Law of the Land was the Measure of the Prince's Authority, and the Peoples Rights; that in the Case of the Revolution, when the Laws were overturn'd, Popery was coming in, and Property signify'd nothing, the People of *England* invited by His late Majesty, had resorted to the last Remedy, even that of Necessity, and that Necessity had induc'd Resistance, and justify'd 'em in it, and upon that Foot the Revolution had succeeded: They totally deny'd that the Doctrine of Non-Resistance, as laid down, and asserted by the Doctor, was intended for the Pretender, or any other, but Her Majesty and Her Government, or could be construe'd a thwarting the Revolution; his Assertions were General, and those General Assertions would have their particular Exceptions.

That it had not, nor could be made out, that they had an Eye in Favour of the Pretender in any Part of that Discourse: And some of the Gentlemen had admitted that the Doctrine in the Main was Right, but said the Defendant had his Thoughts, his Eyes on the Pretender; which was so very contrary to what the Doctor had asserted in his whole Sermon, that he hop'd there was no Ground for it; for the Doctor (as a Dutiful Subject) took Notice that Her Majesty was the Last of the Lineal Descent, as the Relict of the Royal Family, which quite disown'd the Pretender and his Right: And could any one imagine, that in such Expressions he could have an Eye to the Pretender? For if there were any Pretence of Title in the Pretender, it must be as a Descendant of that Family: But he had taken Notice that Her Majesty was the only one left of that Family in a Lineal Descent, and he thought that was enough to acquit the Doctor of having any Eye to Him beyond the Water.

Having premis'd those Remarks, he said he should next Consider the Articles as they lay before their Lordships. And in the Preamble to them, there was Notice taken of three Acts of Parliament. The First, the *Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.* The Second, the *Act for preventing Vexatious Suits against such as acted in Order to bring in their Majesties, and for their Services.* The Third, the *Act for Paying the States-General of the United Provinces their Charges, for His Majesty's Expedition into this Kingdom, and for other Uses.* That those were the Three only Acts cited in the Preamble of the Articles; to each of which he should say but a Word. And as to the Act call'd *the Bill of Rights*, he did not find that that Act medled with the Points of Resistance, or Non-resistance, the whole Ground and Tenour of it being upon the Abdication. And

settling

settling the Crown upon the Vacancy of the Throne. For it said, *Whereas the late King* James II. *having Abdicated the Government, and the Throne being thereby Vacant*, &c. Without stating any other Fact, or mentioning Resistance. But the Throne being Vacant, the next Head in that Act said, That *King* James *having Abdicated the Government, and their Majesties having accepted the Crown, did become Lawful King and Queen*, &c. And those were the only Passages in that Act as to the Matter in Hand, it had Preserv'd the Liberties of the Subject, Establish'd several Rights which were their Ancient Inheritance, told the People that the Throne was Vacant, and being so, that their late Majesties were Lawful and Rightful King and Queen, as undoubtedly they all agreed they had been.

That, The next Act mention'd was, the *Act for preventing Vexatious Suits against such as acted in Order to the bringing in their Majesties, or for their Service*: Which went further than the Bill of Rights; but whoever Read it, would find, it was but the same Act in Effect, that had been Enacted in the Reign of *Edw.* 3, after the deposing of *Edward* the 2d; being a meer Act of Indemnity, an Act of Pardon for Officers Civil and Military; only excepting those from Prosecution who having been Transgressors against the strict Rules of the Law, were subject to private Actions; and no less could be done than to exempt them from such Prosecutions, and therefore that Law pardon'd all Actions of Trespass committed upon that Occasion.

Then, The next Act taken Notice of was, That *for Paying the States General*. Which he did not see took any other Notice, but was only for paying the *Dutch* 600000 *l.* for their Assistance to his Majesty at his coming into this Nation, for our Deliverance from Popery and Arbitrary Power.

That, then the Preamble charg'd the Doctor with *Preaching and Publishing the Sermon and Dedications*; which was said to be done *with a wicked, malicious, and seditious Intention, to undermine and subvert Her Majesty's Government and the Protestant Succession as by Law Establish'd, to defame her Majesty's Administration, to asperse the Memory of his late Majesty, to traduce and condemn the late happy Revolution, to contradict and arraign the Resolutions of both Houses of Parliament, to create Jealousies and Divisions among Her Majesty's Subjects, and to incite them to Sedition and Rebellion.* That those were the Corollaries drawn from the Preamble of the Articles of Impeachment, and those the Facts which must make those Articles Criminal, or they could not be so at all. Those Facts they utterly abhor'd and deny'd, and said they were not guilty of them, and hop'd it would so appear to their Lordships.

But he would come to the first Article it self, and should shortly speak to the three Divisions of that Article: Which con-

sisted of three Heads; the first whereof was, That *the Doctor Suggested and Maintain'd, that the Necessary Means us'd to bring about the happy Revolution were Odious and Unjustifiable.* The second, *That his late Majesty, in his Declaration, disclaim'd the least Imputation of Resistance.* And the third, *That to impute Resistance to the Revolution, was to cast black and odious Colours upon his late Majesty and the Revolution.*

As to the first, which imported his suggesting, *that the necessary means us'd to bring about the Revolution were Odious and Unjustifiable*: They could not have a better Answer to it, than utterly to deny the making of any such Assertion; which they had not done in Words, nor in any Words that would bear that Construction. They insisted, that as it could not be prov'd out of the Sermon, so neither out of any other Action of the Doctor's Life, or any other Sermon by him Preach'd; that he had in no Part of his Sermon affirm'd any thing of the *Necessary Means us'd to bring about the Revolution*, which was a Point not fit for the Doctor to meddle with, the Legislature having taken Care of it; but on the contrary, they had all along endeavour'd in that Sermon to clear the Revolution and his late Majesty (and hop'd it had been done effectually) from the black and odious Colours which their greatest Enemies had endeavour'd to cast upon them. To that Part of the Article they had pleaded not Guilty; they had deny'd the Fact, it not been prov'd upon them; the Sermon did not prove it, nor did the Dedication prove it, but prov'd quite the contrary, as by several Paragraphs of the Sermon compar'd together would appear.

That, The second Division of the same Article, was, *That his late Majesty, in his Declaration, disclaim'd the least Imputation of Resistance.* Which Fact they did acknowledge, if it were Understood as the Doctor Explain'd, and prov'd it by the Declaration it self; in which Sense they took it to be very Just and True; the Resistance the Doctor had mention'd being such a Resistance as tended to Conquest only, as by the Words Printed, and Referr'd to in the Sermon, plainly appear'd, and it could have no other Consideration, or Meaning, as would be manifest to any who read that part of the Sermon with any Candour, or Ingenuity; and the Doctor had taken Care to express it in Words, that there might be no room for Exception: *His Highness declares, in Opposition to those who give out, that we intend to Conquer and Inslave these Nations, that we have thought fit to add a few Words to our Declaration; It is not to be imagin'd that either those who have invited us, or those who are already come to assist us, can joyn in a wicked Attempt of Conquest, to make void their own lawful Titles to their Honours, Estates and Interests*: And it had been so undoubtedly, for he came not to Conquer and Enslave, but to make the People free, and to preserve and restore their Religion, Laws and Liberties; which had been the

the Senſe of the Nation; and Notions of a different kind, and ſuch Aſſertions in Printed Sermons, had been Animadverted upon.

Therefore if the Doctor having his Eye in that Expreſſion on the Matter of Conqueſt which had been inſinuated by others, and diſclaim'd by the late King, did expreſs the ſame by Reſiſtance, the Expreſſion, they hop'd was applicable to the ſubject Matter that was before him, and ought not to be wreſted or turn'd to any other Purpoſe; for nothing could better ſhew his Meaning than his own Quotation: Where he referr'd to King *William*'s Declaration, to juſtifie him in that Matter.

So the next Head was, That *to impute Reſiſtance to the ſaid Revolution, was to caſt black and odious Colours upon his late Majeſty and the ſaid Revolution.* Which they likewiſe utterly deny'd to have Maintain'd; having ſaid no ſuch Thing quite thro' the Sermon; nor taken upon them to meddle with that Point: It being an improper Subject for the Doctor to meddle with, who neither affirm'd, nor ſaid any thing of thoſe who imputed Reſtance to the Revolution; but thoſe the Doctor intended, and who were plainly meant, if the preceding Words ought to be the Words to which the Subſequent and Concluſion of the Sentence related, then thoſe were Perſons of dangerous Poſitions, who plac'd the Power in the People, who pretended to a Power to call their Sovereign to an Account at their Will and Pleaſure; Poſitions that were condemn'd by the Laws of the Church and State, and then vouch'd the Revolution in Defence of thoſe Principles. Thoſe were the Perſons mention'd and intended by the Doctor, whoſe Principles and Practices did caſt black and odious Colours upon the Revolution.

The Doctor they own'd, in this Sermon, had aſſerted that general Propoſition, viz. *Abſolute Obedience in all things lawful to the Supreme Power, and the utter Illegality of Reſiſting the Supreme Power upon any Pretence whatſoever:* And that being the Article, if they underſtood ſome of the Gentlemen of the Houſe of Commons aright, on which the whole Impeachment turn'd, and that if they were clear of that Article, there would be no Reaſon to follow them upon the others, it gave them an Occaſion to enlarge a little further upon that Point.

Therefore, as for Non-Reſiſtance in general they aſſerted it as a Rule, yet they agreed there was an Exception imply'd in that Rule, and that Exception, they ſaid, was the Caſe of the Revolution: When this general Rule had an Exception in it, it ought to be in a Caſe of the utmoſt Neceſſity imply'd, which was not expreſs'd, ſtated, or determin'd in any Law or Act of Parliament that he knew of, except in the Particular therein after mention'd.

That Doctrine he ſaid was agreeable to the Scriptures, and Taught by the Church of *England* in her Homilies, Articles

Articles and Injunctions, by her Bishops and Fathers; and in all Admonitions from the Bishops and Pastors of the Church, from time to time. That he should not name them, some of them having been already nam'd: But would produce Sermons Preach'd before Her Majesty, their Lordships, and the House of Commons, on the most Solemn Occasions, where that Doctrine had been fully asserted, even beyond what the Doctor had laid down: That both their Lordships and the Commons had return'd Thanks to the Bishops and Clergy who had Preach'd them, and therefore they could not apprehend themselves to be worthy of that Reprehension: For they would produce them in Evidence, and vouch Authorities before the Reformation, and in the Infancy of it. The Homilies which were allow'd by the Church, and Establish'd by several Acts of Parliament.

And that they took to be agreeable to the Laws and Statutes of the Realm. And the Law made it high Treason, for particular Persons to Resist the Supreme Power.

That the *Spensers* in *Edward* the Second's Reign asserting That if the King did not Govern well, the People might remove him, and that by Force; had been Condemn'd by two Acts of Parliament, in *Edw.* 2d. and *Edw.* 3d's Reign. That the Act of the 25 *Edw.* 3. that famous Act which had been the Standard for Treason for many Ages, was agreeable to the Doctor's Assertion; and when there had been Breaches made in that Law, in Queen *Mary*'s time, those Acts had been again repeal'd: So that it was needless to repeat, that to resist the Executive Power, and the Person of the King, was by that Act, compassing his Death, and levying War against him, and it had always been look'd upon that Resisting the King, was levying War, and compassing and imagining the Death of the King; for which Reason he would say no more on that particular Act of Parliament, but would come to later Times.

And accordingly in the Act of the 13 *Car.* 2. *Cap.* 30. it was declar'd, That *it is the Undoubted and Fundamental Law of this Kingdom, that neither the Peers of this Realm, nor the Commons, nor both together, in Parliament or out of Parliament, nor the People collectively or representatively, nor any other Persons whatsoever, ever had, have, or ought to have any Coercive Power over the Persons of the Kings of this Realm.* Which was a Declaration as full as could be, as full as the Doctor's Sermon, and yet that Declaration, he agreed, ought to have an Exception in a Case of the utmost Necessity: And he hop'd there was as much Reason to allow the Doctor an Exception, as in that Act of Parliament.

The next Act was the Corporation Act, 13 *Car.* 2. directing all the Officers of Corporations to Swear, *That they do believe, That it is not lawful, upon any Pretence whatsoever, to take*

Arms

Arms against the King. Being as full a Declaration to be made by all the Magistrates of Corporations, as general Words could carry, and yet he would be understood in every One of these, that there was an Exception of Necessity; but whether the Doctor was a proper Judge of that Necessity, he would take notice soon after.

The next was the Militia Act 13 and 14 *Car.* 2. and in it the same Declaration to be made by every Lord Lieutenant, Deputy-Lieutenant, Officer and Soldier, *That it is not lawful, upon any Pretence whatsoever, to take Arms against the King.* And the Preamble of the same Act still stronger, where it was declar'd, *That both or either of the Houses of Parliament, could not, nor lawfully might raise or levy any War offensive or defensive, against his Majesty, his Heirs, or lawful Successors.*

The next was the Act of Uniformity 13 and 14 *Car.* 2.

The next the Act for Select Vestries, enjoining all Deans, Parsons, &c. to make this Declartion, *That it is not Lawful, upon any Pretence whatsoever, to take Arms against the King.*

The next, the Act of Association, whereby *all Persons were engag'd to stand by and assist one another, against all his Majesty's Enemies, without any Limitation.*

And the next was the Act for Establishing the Abjuration Oath, 13 and 14 King *William*, which had been taken in the late Reign, and the Acts of the 1 and 6 of Her Majesty's Reign, whereby *all Persons in Office were to swear to defend the King and Queen, to the uttermost of their Power, against all Traiterous Conspiracies and Attempts whatsoever, which should be made against Her Person, Crown or Dignity.* And that those Words might have the plain Sense put upon them, *They were to declare that they made that Recognition, Acknowledgment, Abjuration, Renunciation, and Promise, heartily, willingly, and truly, upon the true Faith of a Christian.* Therefore that Resistance could not be agreeable to that Abjuration, for to resist was not the way to Defend.

Mr. *Dodd* proceeded, telling the Lords, they thought the Doctrine of Non-Resistance, as a general Proposition, was warranted by the Laws of the Land; and when there was an Exception imply'd therein, ought only to be determin'd by the Wisdom of the Nation, and not by any one Doctor or private Person whatsoever. But the Doctor's Proposition was about Non-Resistance of the Supreme Power, and they had no Reason to take a greater Weight upon them than the Words of the Sermon; and whatever Construction might be put upon it, in Relation to the Executive Power, yet the Proposition held good as to the Supreme Power, which was all the Doctor had asserted. That the Supreme Power was the Queen and Parliament and to that Supreme Power the Doctor had prest the utter Unlawfulness of Resistance; and

he had not heard it said by any that it was lawful to resist the Queen in Parliament, for there was the Strength of the Nation, and to it there ought to be a Standing Obedience, otherwise it would be setting up the People to be Judges, and not the Collective Body of the People assembled in Parliament.

That in a particular Case of the utmost Necessity, what Constructions were to be made as an Exception out of the General Rule ought to be left to Time and Circumstances (when such a Case should happen) to determine, and ought to be determin'd by the Wisdom and Strength of the Nation, if ever such a Case should happen, which he hop'd never would more.

That there was one Exception made in one particular Case in the Bill of Rights, which Enacted, That *if the King or Queen should be reconcil'd to the See of* Rome, *or profess the Popish Religion, or marry a Papist, then such Person should be excluded from inheriting the Crown, or having Regal Power in the Realm, and that the People should be absolv'd of their Allegiance.* which he took to be the first stated and determin'd Exception to that General Rule that ever had been made in any Act of Parliament,

That they thought a Government could scarce be just to it self, that did not encourage and command that Obedience, that Non-Resistance. It being a Rule profitable to all Governments, whatsoever the Nature of them might be; as being for the Peace and Quiet both of Church and State; and it would be wise Work to have the Exception to that Rule stated, by every one that come into a Pulpit. He knew not whether it wou'd be high Treason in them to do it, but was sure it wou'd be a High Crime; And if those Points were doubtful or disputable (as at least ought to be agreed) sure they were no Grounds for an Impeachment.

For what Doctrines should a Minister of the Church of *England* preach, if not those which were deliver'd in the Scriptures, and in the Doctrines of that Church? Should he search another Rule than what was laid down in the Scriptures, the Laws and the Fathers of the Church? Should he tell the People, that the Doctrine of the Church of *England* was the Doctrine of Non-Resistance of the Supreme Power? Or should he limit that Rule, and state the Exceptions of it? Sure that would be very strange for the Doctor to do. He should then tell them that Resistance was Unlawful, but there was an Exception to that Rule; but what that Exception was he must not tell them, but they must find it out as they could. Which would be to pick Holes in the Duty and Allegiance of the Subject, and would look like the Blind leading the Blind.

They could not but think it would be a very ſtrange thing for a Miniſter of the Goſpel to diſtinguiſh in that Caſe: Nay it would not be allow'd him, and it would be an Offence for any Preacher ſo to do. He ought to preach the general Propoſition, he ought to inculcate the General Rule, and to preach in the Words the Laws of God, and of the Land, had deliver'd it in; he ought not to vary it, to find Meanings to help the People, like a good Caſuiſt, to diſtinguiſh themſelves out of their Allegiance.

So they apprehended the Doctor's whole Sermon ought to be underſtood, not as razing the Foundations of the Government, not inciting to Rebellion, but preaching Obedience to the Laws of God and Man. He ſaid, it was a great Misfortune for the Doctor to be repreſented as preaching that Doctrine for the ſake of the Pretender. But they thought at leaſt it might be a Comfort to him, that there was not a Syllable of Proof or Truth in it; and that on the contrary, the Doctor had diſclaim'd all Right in the Pretender, by aſſerting and acknowledging Her Majeſty's Right, and expreſſing a paſſionate Concern, that Her Majeſty was the Reliſt of the Royal Family.

That they had given all the Aſſurance of their Fidelity which the Law demanded, they had taken the Oath of Abjuration, been always ſubmiſſive to Her Majeſty, and the Laws of the Nation, and given all the Security of the Allegiance and Loyalty that the Government requir'd.

That the Doctor had fully declar'd his Meaning in that Sermon: all along ſubmitting to the Government, and praying for the Queen and Government. He had done it in ſeveral Places of his Sermon, and Particularly in one Place, which would carry a great Weight in it. Where he ſaid, *What I have thus freely ſpoken, I hope is as much without Offence, as it proceeds from a tender Concern for Her Majeſty's Perſon, and a hearty Zeal for the Safety of our Church and Conſtitution.* That after ſuch a Declaration, in Common Juſtice, there ought to be no Conſtruction of his Meaning made by Inference; that being a full Declaration, that what he had done was in Service and Zeal to Her Majeſty and the Conſtitution in Church and State.

In ſhort, ſince there were not through the whole Sermon any plain Words to ground ſuch a Conſtruction, ſince there had not been the leaſt Proof offer'd, but only by ſuch forc'd Conſtruction, when different Words were pick'd out from different Places, and Words ſo diſtant were join'd together to make up Sentences; and then Arguments fram'd, and Concluſions drawn from thoſe Sentences to make good the Impeachment, they thought it was much too hard, and hop'd it would never be endur'd to pick Part of a Line here, and ſix or eight

Lines

Lines after part of another, and to join the Concluſions of one Sentence, and the Beginning of another; which would be to confound all Reaſon and Underſtanding whatſoever. That they took to be no right way of Reaſoning, nor a proper Evidence to maintain an Impeachment, and they hop'd their Lordſhips would therefore acquit the Doctor of that Article.

The next that Pleaded for the Doctor was Mr. Phipps, *the Purport of whoſe Speech was as follows.*

That he alſo had been aſſign'd by their Lordſhips to be one of the Council for Doctor *Sacheverell*, whom he could not yet think to be a Criminal; and hop'd that when they had been heard, their Lordſhips would not think him ſuch.

He admitted as the Caſe had been ſtated by the Gentlemen who were the Managers for the Commons, that it was a Cauſe of very great Moment, and worthy of their Lordſhips Determination, becauſe it deſerv'd the greateſt Deliberation, being a Cauſe as conſiderable in its Conſequences to Her Majeſty, the Church, and theſe Kingdoms, as ever had been brought before their Lordſhips. And therefore, ſince it had been the Doctor's Misfortune to incur the Diſpleaſure of the Houſe of Commons, and to lye under the Weight of an Impeachment by that Great and Honourable Body, it was his greateſt Comfort (next to being Innocent) to have their Lordſhips for his Judges, and the Opportunity of ſo publick a Vindication of his Innocence; for he did not doubt to give their Lordſhips and all by whom they had the Honour to be heard, full Satisfaction, that he was not Guilty of any of the Crimes charg'd upon him in any, or either of the Articles.

They agreed with the Managers, that his late Majeſty, when Prince of *Orange*, had with an arm'd Force, undertaken a glorious Enterprize for delivering the Kingdom from Popery and Slavery. They admitted that divers Subjects well affected to their Country had join'd with and aſſiſted him in that Enterprize; and that the Enterprize being crown'd with Succeſs, the late happy Revolution took Effect, and was Eſtabliſh'd. They alſo admitted that the bleſſed Conſequences of the Revolution were, the Enjoyment of their Religion and Laws, the Preſervation of Her Majeſty's Perſon, the many Advantages ariſing by Her Majeſty's wiſe and glorious Adminiſtration, the Proſpect of Happineſs to future Ages by the Settlement of the Succeſſion and the Union of the two Kingdoms.

But that there were other Matters ſuggeſted in the Preamble, wherein they differ'd with the Gentlemen of the Houſe of Commons; for it was therein alledg'd *That Doctor* Sacheverell *Preach'd and Publiſh'd his two Sermons with a malicious and ſeditious Intention, to Undermine the Government and Proteſtant Succeſſion,*

vation to Defame Her Majesty's Administration, to Asperse the Memory of His late Majesty, and Traduce and Condemn the Revolution, to Arraign the Resolution of both Houses of Parliament, to create Jealousies and Divisions among Her Majesty's Subjects, and to incite them to Sedition and Rebellion. All which they totally deny'd.

He said, the Offences charg'd upon the Doctor, were of a very high and heinous Nature, the Evidence to maintain and make good that Charge ought to be the clearer and plainer. And to make the Doctor a Criminal within those Articles, every Branch of the Articles ought to be prov'd as they were laid. It ought to be prov'd that he Preach'd and Publish'd those Sermons with such wicked, malicious and seditious Intention, as was alledg'd in the Preamble, and the Proof ought to be plain and positive; for the Laws of *England*, had so guarded the Persons and Properties of the Subjects, that their Lives, Liberties, or Estates, could not be subject to Forfeiture, or Restraint, by uncertain or conjectural Evidence, by strain'd or unnatural Inferences, Insinuations, or Innuendo's. And tho' he could cite many Authorities and Determinations in the Courts of *Westminster-Hall*, wherein the Judges had express'd their Dislike and Detestation of Convicting Men of Offences, either Capital or Criminal, by Innuendo's or Inferences; yet he forbore to trouble their Lordships with any of them, because he had an Authority Superior to them all to warrant what he said, and that was the Determination and Resolution of their Lordships in Sir *Samuel Barnardiston*'s Case, which having been read by Sir *Simon Harcourt*, He forbore to trouble their Lordships with a Repetition of it.

The next thing therefore to be consider'd, Mr. *Phipps* said, was, Whether the Sermons were Preach'd with such malicious and seditious Intention as was asserted in the Preamble, and whether there were such plain, direct and positive Proof, as their Lordships Determination, in Sir *Samuel Barnardiston*'s Case, had declar'd to be necessary.

But that before he came to speak to any particular Article, he beg'd leave to observe something, which tho' it had not been made a particular Charge against the Doctor in any one Article, yet it had been urg'd and insinuated almost by every one of the Managers of the House of Commons to enforce every Article, which was, That *notwithstanding the Doctor's Expressions of Loyalty to the Queen, yet his Intention was to bring in the Pretender.*

He said, It had been Objected, as he apprehended (and he beg'd Pardon if he was mistaken) "that the Doctor confin'd "his Doctrine of Passive Obedience and Non-Resistance to a "*Jure Divino* King or Queen, and that from thence it was easie "to understand against what Queen the Doctor excited the "People to take up Arms. But if the Queen, who had an

Hereditary

Hereditary Right, and alſo a Right confirm'd and eſtabliſh'd by Act of Parliament could not be ſaid to be a *Jure Divino* Queen, he did not know who could, and he did not think that the Doctor, who aſſerted the Queen's Hereditary Right, could be charg'd with an Intention to bring in the Pretender. He put it upon their Lordſhips Judgment, whether the denying Her Majeſty's Hereditary Right were not the moſt likely way to bring him in: For he ſubmitted to their Lordſhips, whether the denying the Queen's Hereditary Right, were not to ſuppoſe an Hereditary Right in ſome Body elſe; and whether that did not leave a Way open (when the Queen's Enemies were ſtrong enough) to bring in that Perſon in whom the Hereditary Right was ſuppos'd.

Whereas it had been Aſſerted, " That the Doctor's pre-" tended Zeal was for Her Majeſty, but his real Zeal was for the Pretender; Mr. *Phipps* ſaid, it was hard to ſay a Man meant contrary to what he ſpoke, and that, tho' he declar'd that the Safety, Rights, and Eſtabliſhment of her Majeſty's Government, with thoſe of the Church, were the things he ſo earneſtly contended for, and were his only Aim and Intention; and tho' he pray'd that God would Preſerve Her Majeſty, for the Comfort and Support of the Church and Nation, yet it was ſuggeſted that his chief Aim and Deſign was to Dethrone Her Majeſty, to ſet the Crown upon the Head of the Pretender, and to eſtabliſh Popery, or at leaſt a Church independent on the State. And tho' he Preach'd up Paſſive Obedience and Non-Reſiſtance under Her Majeſty's happy Adminiſtration, yet it was objected he ſtir'd up the People to Rebellion, and meant Non-Reſiſtance and Paſſive Obedience to the Gentleman on the other ſide the Water.

He own'd, thoſe things had been urg'd with great Ingenuity, but what Proof, what Evidence was there of any of thoſe Matters ſo ſuggeſted?

That, By the Law of *England* Men were not to Harangu'd out of their Lives, Liberties or Eſtates, but as he had obſerv'd, plain and poſitive Proof alone could ſubject them to a Forfeiture: And he ſubmitted to their Lordſhips, when a Man affirm'd a thing in his Sermon, whether anothers averring that he meant quite the contrary, would be a ſufficient Evidence to Convict him of high Crimes and Miſdemeanors.

He confeſs'd there was another Matter which put him under a great Difficulty, to determine which way to apply their Defence to the firſt Article, which was the different Conſtruction the Gentlemen of the Houſe of Commons had made of that Part of the Doctor's Sermon, on which the firſt Article was founded. For the Gentlemen that ſpoke to the firſt Article (if he apprehended them right) had affirm'd, " That the " Doctor aſſerted an unlimited Obedience, and the utter Ille-

" gality

" gality of Reſiſtance to the Queen, as the Supreme Executive " Power, and that ſuch an Aſſertion was a Reflection upon the " Revolution, which had been brought about by the Reſiſtance " to the late King *James*. And all their Arguments on the firſt Article were grounded on that Aſſertion. But that a very Learned Gentleman, who had ſpoke the Day before to the fourth Article, had been pleas'd to Object, " That tho' the " Doctor aſſerted the utter Illegality of Reſiſtance to the Su- " preme Power, yet he had no where aſſerted the utter Ille- " gality of Reſiſtance to the Queen, thereby leaving himſelf " at liberty to reſiſt the Queen and bring in the Pretender.

The Queſtion therefore was, which of thoſe Conſtructions they muſt believe; if the Conſtruction made by the Gentlemen who ſpoke to the firſt Article were true, then the Doctor had taken that Care of her Majeſty's Perſon which in Duty he ought, by aſſerting the utter Illegality of Reſiſting Her, and had deny'd himſelf the liberty to take up Arms againſt Her Majeſty to bring in the Pretender, and ſo the great Objection made againſt the Doctor by the Learned Gentleman who ſpoke to the fourth Article muſt fall; but if his Conſtruction prevail'd there was no Reflection on the Revolution, and the firſt Article fell to the Ground; for the Reflecting on the Revolution could be only by aſſerting the Illegality of Reſiſting the Queen, as the Supreme Executive Power, becauſe the Reſiſtance which brought about the Revolution had been made to the late King *James* only, and not againſt the Legiſlature: But whichſoever of thoſe Gentlemen their Lordſhips ſhould be of Opinion was in the Right, he beg'd leave to ſay, it might certainly be concluded and inferr'd, that the Conſtruction of that Sentence muſt be very doubtful, in which ſuch Learned Men differ'd, and conſequently could not be a Charge ſufficient and certain enough to ground a Conviction for High Crimes and Miſdemeanors. Thoſe Matters being ſubmitted to their Lordſhips Judgment, he came next to conſider the Articles themſelves, and ſhould humbly propoſe to their Lordſhips Conſideration what he had to offer in Anſwer to them, and ſhould take Notice of the ſeveral Branches of the reſpective Articles, which the Doctor mention'd in his Anſwer to them.

And as to the firſt Branch of the firſt Article, which charg'd the Doctor with *Suggeſting and Maintaining, that the neceſſary Means us'd to bring about the happy Revolution were Odious and Unjuſtifiable*; the Doctor deny'd there were any ſuch Expreſſions in his Sermon at St. *Paul's*: And he begg'd leave himſelf to ſay that there was not one Paragraph or Sentence in his Sermon that could ſupport that Charge, the Neceſſary Means us'd to bring about the Revolution not being ſo much as once mention'd in the Sermon, and therefore he had at firſt doubted whether he had the right Sermon, becauſe he could

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no more find that Sentence in the Doctor's Sermon in St. Paul's, than one of the Learned Managers could find a Text of Scripture, quoted by the Doctor, in his Bible.

And one of the Gentlemen who spoke to that Article had been pleas'd to admit, that the Words charged in that Part of the Article were not in the Doctor's Sermon, but said, there are Words that are *tantamount*; so that that Branch was to be prov'd by Innuendo's, and yet they had not been pleas'd to let them know what those Words were which did amount to the same Signification, and they deny'd there were any such Words.

That the last Part of the first Article (which he should consider next, as relating to the Revolution) charg'd the Doctor *with Suggesting and Maintaining that to impute Resistance to the Revolution, was to cast Black and Odious Colours upon his Majesty and the Revolution.* In answer to which he must beg leave to take notice, that the Words of the Sermon were there transpos'd and misplac'd, for the Doctor did not say, that *to impute Resistance to the Revolution was to cast Black and Odious Colours upon his Majesty and the Revolution*; but he say'd, that *to urge the Revolution to justifie the Doctrine of Dethroning and Murdering of Princes, was to cast Black and Odious Colours on his Majesty and the Revolution*; for that the Doctor, in Page the 11th said, that "the New Preachers and "New Politicians pretended to have a Power to cancel their "Allegiance at Pleasure, to call their Sovereign to an Account "for High-Treason, to Dethrone and Murder him for a Cri-"minal, as they did the Royal Martyr by a Judiciary Sen-"tence, and that to justifie this Doctrine, they urg'd the Re-"volution of that Day: *But he said, they were the greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour'd to cast such Black and Odious Colours upon both*; so that what he had said amounted to no more than that to justifie the calling the Sovereign to an Account for High-Treason, and the Dethroning and Murdering of him, by the Revolution, was to cast Black and Odious Colours upon both. And could any Man say less that had any Respect for the glorious and happy Revolution, or for the Preservation of the Constitution; or could there be a greater Reflection on the Revolution, than to urge it in Vindication of the Rebellion in 41, as if the Cases were alike?

He humbly submitted it to their Lordships, if there were any thing in the Sermon that could be construe'd to reflect on the Revolution, if the Words were taken according to the Natural and Genuine Sense of them; neither could it be thought the Doctor would cast the least Reflection upon it: for how should it be imagin'd, that he who was a Member of *Magdalen* College in *Oxford*, should so soon forget the Attempts

that

that had been made on their Liberties, and should reflect on the Revolution, by which not only that, but all the Colleges in both the Universities, nay, all Her Majesty's Protestant Subjects, then enjoy'd their Religion, Rights and Liberties? That he being a Church of *England* Man should calumniate the Revolution, by which the best Establish'd Church in the World had been preserv'd from Popish Superstition and Idolatry? That he who contended so earnestly for the Preservation of the Constitution, should cast Black and Odious Colours on that, which alone had settled the Succession in the Protestant Line, and seated Her Majesty on the Throne of her Royal Ancestors, on which the Doctor Pray'd, and he hop'd they all join'd with him, *that she might long continue for the Support and Comfort of the Church and Nation*? That it was not the Revolution in 1688. but that in 1648. which he endeavour'd to blacken, and the Principles which had brought it to pass, those Principles which had made Rebellious Subjects take up Arms against one of the best Princes that ever Sway'd the Scepters of these Kingdoms; those Principles which had brought that Pious Martyr to the Block, Banish'd the Royal Family, and set an Usurper upon the Throne; that was the Dethroning, that the Murdering which he meant: And what Colours could be too Black, or too Odious for such Crimes? Doubtless none could; and therefore, instead of charging the Doctor with reflecting on the late happy Revolution, he hop'd their Lordships would be of Opinion that he had vindicated it in the highest Degree, when he distinguish'd it from that in 1648, and shew'd what a wide Difference there was between them.

As to that Part of the first Article which said, *That his late Majesty, in his Declaration, disclaim'd the least Imputation of Resistance*; If the Doctor had not Explain'd himself, it was humbly submitted how far he was justified by his Majesty's Declaration; *We have thought fit to go over to* England, *and to carry with us a Force sufficient, by the Blessing of God, to defend us from the Violence of evil Counsellors*; *and that this Expedition is intended for no other Design but to have a free and lawful Parliament*: So that the Expedition was to have a Free Parliament, and the Forces were to defend him from the Violence of Evil Counsellors, in carrying on that glorious Design; and when the late King *James* Abdicated the Government, what Resistance had it been to supply the Vacancy, by settling his late Majesty on the Throne?

That in Construction of Words and Sentences, if any part were ambiguous, and might be taken in a double Sense, it ought in favour of Life and Liberty to be taken in the best Sense. But when the Author declar'd what his Sense was, what he meant by it, there it could not be taken in any other Sense than that: which was the Doctor's Case; for he shew'd,

shew'd, both in his Sermon, and by a Note printed at the Bottom of the Page, that by Resistance he meant such Resistance as tended to a Conquest: And was justify'd in that by his Majesty's Declaration, wherein he had disown'd the wicked Attempt of Conquest. And by the Vote of both Houses of Parliament, who had so highly resented the Design of making that Expedition a Conquest, that they had order'd a Pamphlet which attempted to prove it such, to be Burnt by the Common Hangman.

If therefore the general Words would have carry'd such a a Reflection, yet the Clause explaining them being Printed with them, prevented such a Construction; their being no Reason to apprehend any danger from the Poyson, when the Antidote was administred at the same time. Mr. *Phipps* thought he had thus answer'd every Branch of that Article, and shewn, there were no Expressions in the Sermon, that could Warrant or Support any Part of it: But as he observ'd from the Gentlemen who were the Managers, and spoke to that Article, the great Foundation and Stress upon which it depended, was in the Sentence *Pag.* 11 of the Doctor's Sermon, where he said, *The Grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power in all things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever.* But he believ'd the Charge in that Article could never be supported by any Words in that Sentence; for it was Evident, that the absolute and unconditional Obedience, he said Subjects were oblig'd to, was to the Supreme Power in all things lawful; and the utter Illegality of Resistance upon any Pretence whatsoever, (being in the same Sentence) could not but be intended to be of the Supreme Power in all things lawful; so that it was no more than if he had said, 'Tis utterly Illegal, upon any Account whatsoever, to resist the Supreme Power in things lawful; and no Aphorism could be truer than this, viz. *That where the Thing commanded by the Supreme Power is lawful, the Resistance given to it must be unlawful?* Which was all the Doctor had asserted in that Paragraph.

But if he might have leave to Cite a Foreign Author, *Puffendorf* said, the Supreme Power was that in which the Legislature was vested; for he said, *Human Laws are the Decrees of the Supreme Power, concerning Matters to be observ'd by the Subjects for the good of the State*: And one of the Learned Managers, who had spoke to that Article, had admitted it to be so; and then the Doctor's Assertion was, that the Security of the Government, and the very Pillar on which it stood, was founded on the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Laws made by the Queen,

and

Lords and Commons in Parliament assembled, and the utter Illegality of Resisting such Laws on any Pretence whatsoever; and whether that were not so universal a Truth, as not to admit any Exception, was humbly submitted to their Lordships; which was an Answer to all that had been said against them on the first Article: All the Gentlemen having founded their Discourse on a Supposition, that the Doctor had Preach'd up an absolute unconditional Obedience to, and the utter Illegality of Resistance of the Queen; whereas he had Preach'd up the Illegality of Resisting the Supreme Power, and that in all things lawful.

And Supposing it could be Collected, that by the Supreme Power the Doctor had meant the Supreme Executive Power, which was the Queen; yet he could not be thought by that to have Reflected on the Revolution, or Condemn'd the Opposition given to King James.

For it could not be imagin'd, that he Condemn'd the Opposition given to that Prince in the Dispensing Power, in committing the Bishops, depriving Men of their Freeholds and Liberties, by Ecclesiastical and other unlawful Commissions, and endeavouring to Establish Popery, by introducing a Foreign Power; It could not be said the Doctor Condemn'd that Opposition, when he urg'd the Illegality of Resisting the Supreme Power in all things lawful to it, for if those Proceedings of King James had been lawful, then the Doctor had Condemn'd the Opposition given to 'em; but those Proceedings being Illegal, the Opposition given to them was no where condemn'd by the Doctor, nor had that Paragraph in his Sermon any Relation to it.

However, to carry that yet further, he would suppose the urging the Illegality of Resistance on any Pretence whatsoever, had been a Substantive Clause, without any Relation to, or Dependance on any other Clause or Sentence; or that such a general Assertion could be collected from any Part of the Doctor's Sermon, yet it could be taken only for a general Proposition; and if such general Propositions were true in the general, and to a common Intent, tho' subject to particular Exceptions, yet it was submitted whether the Doctor had not been well warranted in asserting such a general Proposition, without mentioning the particular Exception? Because all general Rules had Exceptions, and yet the Person that cited them, seldom or never mention'd the Exceptions; for whenever such general Propositions were urg'd, the Exceptions were always understood and imply'd: And, there could be less Reason to mention the Exception in that Case, because it was so universally known: As having the Concurrence of the whole Nation, and being so often establish'd and approv'd by the Legislature.

Besides that, the Doctor entirely Concurr'd with the Gentlemen of the House of Commons, that the Revolution was an

Exception; and was not Oppoſite to one of the Learned Managers, who had been pleas'd to admit it as the only Exception from that general Rule; wherefore he ſubmitted it to their Lordſhips, whether the naming that Exception, would not have been a greater Reflection on the Revolution, than the Preaching that Doctrine in general Terms without naming it; for to name it after the Revolution, would be to ſuppoſe, that it had not been imply'd and underſtood as an Exception, out of that general Propoſition, before the Revolution, and then the Exception muſt have been warranted by the Revolution, which was to infer, that no Reſiſtance had been lawful till the Revolution; whereas they ſaid, That ſuch an extraordinary Caſe, as that of the Revolution, had been always imply'd as an Exception out of that general Doctrine, and ſo the Doctrine juſtify'd the Revolution.

And therefore, the Doctor having urg'd that Doctrine of Non-Reſiſtance in ſuch general Terms, as all other general Propoſitions were uſually urg'd, it was humbly ſubmitted, whether he could for that be eſteem'd guilty of High Crimes and Miſdemeanors; eſpecially, ſince that very Doctrine had been affirm'd in ſuch general Terms by Learned Men in all Ages, by the Church, and by the Legiſlature, of which he beg'd leave to give ſome few Inſtances.

And firſt, That when the Duke of *Monmouth* was to be Executed, his preſent Grace the Arch-Biſhop of *Canterbury*, the preſent Lord Biſhop of *Bath* and *Wells*, and the then Biſhops of *Ely* and *Bath* and *Wells*, being appointed by the King to attend his Grace; they had preſs'd him to a particular Confeſſion of his Crime, and to acknowledge himſelf guilty of Rebellion; who Anſwer'd, *He thy'd a Proteſtant of the Church of* England; to which, They reply'd, *My Lord, if you be of the Church of* England, *you muſt acknowledge the Doctrine of Non-Reſiſtance to be true.*

That Arch-Biſhop *Tillotſon*, in his Letter to the Lord *Ruſſel* the 20th of *July* 1688, offer'd theſe Conſiderations concerning the Point of Reſiſtance. (1.) " That the Chriſtian Religion " did plainly forbid the Reſiſting of Authority. (2.) That in " the ſame Law which Eſtabliſh'd the Proteſtant Religion, it " was declar'd, not to be lawful on any Pretence whatſoever " to take up Arms againſt the King.

That Biſhop *Sanderſon* in his Works, *Pag.* 522. ſaid, *No Conjecture of Circumſtances whatſoever can make that Expedient to be done at any time, which is of it ſelf, and in the kind, unlawful. For a Man to take up Arms (Offenſive, or Defenſive) againſt a lawful Sovereign, being a thing in its Nature, ſimply, and de toto genere, unlawful, may not be done by any Man, at any Time, in any Caſe, upon any Colour or Pretence whatſoever.*

Whence

Whence their Lordships might observe, how much higher those Great and Learned Men had carry'd that Doctrine, than Doctor *Sacheverell* had done in his Sermons; and multitudes of Instances there were, which shew'd, that it had been the Concurrent and Universal Opinion of all the Learned Men of the Church in all Ages, that Resistance of the Sovereign Power was not lawful, upon any Pretence whatsoever. And yet no Punishment, no Censures had been inflicted upon, nay, no Fault had been found with any of them to that Day. That one of the Learned Gentlemen, to enforce the Legality of Resistance, had been pleas'd to urge the Original Contract as the Foundation of the Prerogative of the Crown, and the Liberties of the People; and to Assert, That if the Supreme Executive Power invaded the Rights of the People, the Contract was dissolv'd, and the People discharg'd from their Allegiance. Mr. *Phipps* would not be positive as to the very Words, but that he took to be the Purport of them, and observ'd, That the said Learned Gentleman, had not thought fit to inform them when the Original Contract was made, Whether before *Magna Charta*? If so, why had it not been compriz'd in it? All the Liberties the Subjects then laid Claim to, being included in that Act; and 'twas much, a thing of that Moment, and which was the Source and Spring of all their Liberties, should not be so much as mention'd in it. He said he had never met with it in any of our Law Books, in his little Experience — he had never heard it urg'd in any Court before; and desir'd to be inform'd, whether it was before the Statute 25 *Edw.* 3. for he never knew it pleaded to any Indictment for High Treason, nor objected, to enervate or take off the Force of that Statute; and our Law-Books being silent in it, he thought it was too tender a Point for them who were no Members of any Part of the Legislature, to meddle with: And therefore, 'till the Legislature had declar'd what the Original Contract was, and determin'd what Act of the Supreme Executive Power should amount to a Dissolution of that Original Contract, and discharge the Subjects from their Allegiance, he must beg Pardon, if he thought that as to Resistance in General, the Law stood still upon the Foot of the 25th of *Edward* the 3d, and that all Resistance, except in the Case of the Revolution, was still Treason within that Act.

But that to Instance farther in Vindication of the Doctrine of Passive Obedience and Non-Resistance, Archbishop *Tillotson*, in his Letter to the Lord *Russel* said, *The Doctrine of Non-Resistance is the Doctrine of all Protestant Churches*; and he might add, it had been the Doctrine of Christ and his Apostles? It had been the Doctrine in *David*'s Time; for it was the Doctrine that had restrain'd *David* from offering Violence to King *Saul*, tho' that King sought to take away his Life; that Holy Man being of Opinion that he could not lift up his

Hand against the Lord's Anointed, and be Guiltless; and could it be done since with greater Innocence than it could then? Was the Person of the Lord's Anointed become less Sacred than it was then? Or had the People since a greater Liberty to resist than *David* had then? And one of the Learned Gentlemen had said, that in Respect of the Patriarchal Right, it was a Doctrine as old as *Adam*, and he would not pretend to carry it further.

But the next thing therefore to be consider'd was, whether that Doctrine which was of so great Antiquity, had receiv'd any Alteration, whether it had been Preach'd or Urg'd in any other Terms since the Revolution than it had been before. That Bishop *Beveridge*, in a Book, call'd, *Private Thoughts upon Religion*, pag. 247, 249, 250, said, *Upon any seeming real Default or Defect of our Sovereign, we are to be more Earnest in our Prayers and Intercession for him, but upon no Account to fight or rebel against him.* That the said Book had Her Majesty's Royal Licence, and was counterSign'd by a Noble Lord, eminent for Learning, and Her Majesty's Principal Secretary of State, he meant the Right Honourable the Earl of *Sunderland*. He begg'd leave to cite next a learned Gentleman, whose Affection to the Government, and Understanding in Antiquity, no Body could doubt, 'twas Doctor *Kennet*, who in his Sermon Preach'd before the House of Commons the 30th of *January*, 1705, said, *This is the true Foundation of that common Axiom, The King can do no Wrong, because there is no Right nor Remedy against his Royal Person*; and in the same Sermon he said, *It was declarative of our Original Constitution* (which might be thought to be the Original Contract, unless the Original Contract and the Original Constitution differ'd) *that our Legislature, upon Occasion of this Day, would have it Express'd, that by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People, collectively, or representatively, nor any other Persons whatsoever, ever had, have, or ought to have any Coercive Power, over the Persons of the Kings of this Realm*: And he thought it was Evident, that where there could be no Coercive Power, there could not be any Resistance. Yet that had been but in the Year 1705, and he would know whether the Original Contract had been found out since? If not, then it was plain, the Commons did not think that Doctrine to Derogate from that Contract, or to Reflect upon the Revolution, for that Doctor *Kennet* had receiv'd the Thanks of the Commons for his Sermon, and their Order to Print it.

He said, he most readily concurr'd with the Learned Gentlemen of the House of Commons, that that Reverend Bench was fill'd with Fathers of the Church, who were as great an Ornament

Ornament to it for Learning and Piety as any of their Predeceſſors, *and muſt juſtly ſam'd for their Religious Moderation*; and therefore Inſtances of their Aſſerting that Doctrine ſince the Revolution, would have the greateſt weight with their Lordſhips, and give moſt Satisfaction of that Honourable Houſe upon whoſe Impeachment the Doctor was brought thither.

That the Biſhop of St. *Aſaph*, in his Sermon on the 30th of *January*, 1699, Preach'd before the Lord Mayor, pag. 18. ſaid, *It is plain that a Government can't poſſibly ſubſiſt for any time, where any kind of Violence is allowed againſt the Magiſtrate: Government is at an End, where Rulers are expos'd to popular Aſſaults.*

That the Biſhop of *Lincoln*, in his Sermon Preach'd before their Lordſhips the 30th. of *Jan.* 1708, pag. 15, 16, 17, ſaid, *Wherever that Supreme Power and Authority is Lodg'd, or in whomſoever it Reſides, we are bound to pay either an Active or Paſſive Obedience, muſt either Do what it Requires, or Suffer what it Inflicts. This is without Controverſie the ſtanding Doctrine of Chriſtianity, and has been confirm'd by the Practice of the beſt Chriſtians in all Ages of the Church.* And that Biſhop alſo had cited the Words of the Statute of the 12th of *Charles* the Second, mention'd by Dr. *Kennet*; for which Sermon their Lordſhips had been pleas'd to Thank the Biſhop, and to deſire him to Print it.

That his Grace the Lord Archbiſhop of *York*, in his Sermon Preach'd before their Lordſhips in 1700, had ſo fully and clearly ſtated the ſame Doctrine, that it was not capable of the leaſt Contradiction or Doubt: His Grace expreſſing himſelf thus, *That there is ſuch a Submiſſion due from all Subjects to the Supreme Authority of the Place where they Live, as ſhall Tie up their Hands from Oppoſing or Reſiſting it by Force, is Evident from the very Nature and Ends of Political Society; and I dare ſay there is not that Country upon Earth, let the Form of their Government be what it will, (Abſolute Monarchy, Ariſtocracy or Commonwealth) where this is not a Part of the Conſtitution. Subjects muſt obey Paſſively, where they cannot obey Actively, otherwiſe the Government would be Precarious, and the publick Peace at the Mercy of every Malecontent, and a Door would be ſet open to all the Inſurrections, Rebellions and Treaſons in the World. Nor is this only a State Doctrine, but the Doctrine alſo of Jeſus Chriſt, and that a Neceſſary and Indiſpenſable one too, as ſufficiently appears from theſe famous Words of St. Paul's, Rom. 12. 1 2. which are ſo plain that they need no Comment; ſo that ſo long as this Text ſtands in our Bibles, the Doctrine of Non-Reſiſtance or Paſſive Obedience muſt be of Obligation to all Chriſtians.*

He put the Queſtion, whether the ſame Doctrine were not confirm'd by the Church in her Homilies, and enjoin'd to be Read on certain Days in the Church? Whether thoſe Homi-

lies were not allow'd by the Articles? Whether those Articles were not Establish'd by the 13th of *Eliz.* Chap. 14. And whether that very Act were not confirm'd and made Perpetual by the Act of Union made in the Fifth Year of Her Majesty? Whether it were not likewise Ratify'd and Establish'd by the Legislature, by the Act of the 14th of *Charles* the Second, cited in the Sermons of the Bishop of *Lincoln* and Doctor *Kennet*, by the Act of the 13th of *Charles* the Second? For that Act of the 13th of *Charles* the Second, *Chap.* 4. oblig'd all Ministers, &c. to subscribe a Declaration, the first Part whereof was this, I. A. B. *do declare that it is not Lawful upon any Pretence whatsoever to take up Arms against the King.* Whether that Declaration had not been to be Swore to by all Officers of Corporations, by the Corporation Act: By all Lieutenants, Deputy-Lieutenants, and all Officers and Soldiers of the Militia, by the Militia Act? And whether any Man could doubt the Truth of that Doctrine, which the Legislature had oblig'd the greatest Part of the Nation so Solemnly to Subscribe and Swear to. He said they had Collected many more Instances of that kind, which they would offer to their Lordships in the Course of their Evidence.

And so their Lordships might observe how that Doctrine had been Preach'd and Maintain'd by Archbishops, Bishops, and Eminent Divines, Confirm'd and Establish'd by the Church, and by the Legislature; and he desir'd to know whether that Doctrine had been alter'd, or had receiv'd any Diminution or Restriction by the Revolution? Which he would not presume to say, but put himself upon their Lordships Judgment, on the Consideration of the several Sermons before-mention'd, Preach'd and Publish'd with the Respective Approbation of both Houses of Parliament since the Revolution. He desir'd their Lordships to reflect how many Revolutions there had been in this Kingdom, and yet that Doctrine always continu'd the same; and submitted, whether they had not their Lordships Authority on that very Point; for in a Sermon Preach'd before their Lordships on the 30th of *January*, 1702. by the Lord Bishop of *Carlisle*, his Lordship had express'd himself thus: *Our Foundations, 'tis to be hop'd, are not shaken by the weight of those many Great and Extraordinary Revolutions that have past'd upon us; the All-wise Providence of God has frequently of late (and as some of us always thought, very Graciously) Exchang'd our Governours; but if we ungratefully alter our Notions of the Divine Right of Government, and throw off our Antient and Primitive Rules of Obedience, we shall make an unnatural Return for the Mercies we have received.* He hop'd he might have their Lordships leave to conclude their Lordships were of the same Opinion, since the Lord Bishop had their Lordships Thanks for his Sermon, and their Desire to Print it. He further presum'd to offer it to their

Lordships

Lordſhips Conſideration, whether that very Doctrine had not been Eſtabliſh'd and Enjoin'd, under the Obligation of an Oath, by the Legiſlature in the Reigns of King *William* and Queen *Anne* in the Abjuration Oath, which Oath contain'd this Clauſe, *viz.* *And I do Swear that I will bear Faith and True Allegiance to Her Majeſty, and Her will Defend to the utmoſt of my Power againſt all Traiterous Conſpiracies whatſoever, which ſhall be made againſt Her Perſon, Crown and Dignity.* He believ'd it would not be deny'd by any Lawyer, that taking up Arms againſt Her Majeſty was High Treaſon, by the Statute of the 25th of *Edward* the Third, and therefore the Parliament having enjoyn'd all Perſons in Office, &c. to defend Her Majeſty againſt all Traiterous Conſpiracies and Attempts, had ſhew'd that it was their Opinion, that the Taking up Arms and Reſiſting Her Majeſty, upon any Pretence whatſoever, was Unlawful, becauſe whereſoever Reſiſtance was Lawful, the Defence muſt be Unlawful.

He further beg'd leave to add, that the Puniſhment inflicted by the Law in this World for Reſiſtance, and the Judgment denounc'd againſt it in the Next, ſufficiently Evinc'd the Illegality of it. That taking up Arms and Reſiſting againſt the Queen, by the Statute of the 25th of *Edward* the Third, was High Treaſon, the Puniſhment of which was to be Drawn, Hang'd and Quarter'd; and in what Condition they were to be in, in a future State, St. *Paul* inform'd them, for he ſaid, *They that Reſiſt ſhall receive to themſelves Damnation*; and ſurely no Body would conteſt the Truth of that Doctrine, the Breach of which was attended with ſuch diſmal Conſequences. He hop'd therefore, ſince that Doctrine had been ſo Univerſally Preach'd and Approv'd, the Preaching of it then ſhould not be thought to Reflect on the Revolution, more than it had done before, ſince Her Majeſty's Happy Acceſſion to the Throne, and more than it did in the Reign of *King William*, who had been the Glorious Inſtrument of that happy Revolution. That no Body could doubt of his Majeſty's being appriz'd of the Neceſſary Means by which the Revolution had been brought about, or of his having as tender a Regard for the Honour of the Revolution, as any Body elſe could be ſuppos'd to have, and yet that Doctrine had been Preach'd in his Time, in as General Terms as the Doctor had Preach'd it, and not only without Objection, but with the Approbation of his Majeſty and both Houſes of Parliament: And if all that would not Vindicate the Doctrine, yet he hop'd it would at leaſt excuſe the Doctor from being a Criminal.

For how could he be a Criminal, for Preaching that Doctrine which had been aſſerted by ſo many Archbiſhops, Biſhops, and other Eminent Divines, not only with Impunity, but even with the Approbation both of Houſes of Parliament? That Doctrine which was enjoin'd by the Church, Ratify'd, Confirm'd and Eſtabliſh'd by the Legiſlature, and which was the Doctrine of

all the Protestant Churches in the World, of our Saviour himself, had been the Doctrine ever since *Adam*, and would continue so as long as there was a Bible upon Earth?

How could a Man be a Criminal, for Preaching the Doctrine of Passive Obedience and Non-Resistance, tho' without Restriction and Limitation, while the Nation was so Happy to have Her Majesty toReign over it upon whose Life the Welfare and Happiness of the Kingdom depended, as much (he hop'd he might be excus'd if he said more) than the Welfare of any Nation ever did upon the Life of any Prince whatsoever since the Foundation of the World? And therefore they were sure their Lordships, would not lessen Her Security; and the rather, because it was impossible, during Her Majesty's Life, any Invasion or the least Attempt should be made upon that Religion, that Liberty and Property, for the Preservation of which She had run so great a Hazard.

This he said, was what he humbly offer'd to their Lordships, on behalf of his Client, on that Head: And tho' he had mention'd those Instances, to shew in what general Sense the Doctrine of Passive Obedience had been Preach'd, and that if the Doctor had Asserted it in such General Terms, he could be no more a Criminal than others; yet it ought to be always understood, that he had not Asserted it in such General Terms, but only Asserted the utter Illegality of Resistance to the Supreme Power in all Things lawful.

But before he quitted that Article, he would take Notice it had been Objected, that it was highly Improper and Unseasonable for Divines in their Pulpits to meddle with Matters of that Nature; in Answer to which, he would (besides the Injunction laid by the Apostles on their Successors, to put People in Mind of being Subject to Principalities and Powers) humbly offer to their Lordships Consideration, a Bold and Seditious Paragraph in a Pamphlet Printed in 1705, call'd, *The Review*, which had these Words, *If the Next Parliament should pursue the Steps of the last, the Nation, in my Opinion, will be so much nearer that Crisis of Time, when* English *Liberty being brought to the last Extremity, must open the Magazine of Original Power*; and the same Author, speaking of the Family of the *Stuarts*, call'd it *the Line of all the World sam'd for Blood, and that had Ravag'd the best Families of the Kingdom.* And in another Paragraph he said, *In short, if* Jure Divino *comes upon the Stage, the Queen has no more Title to the Crown than my Lord Mayor's Horse; and all the People are bound by the Laws of God to depose Her as an Usurper, and Restore their Rightful and Lawful King* James *the Third.* If therefore defaming her Majesty's whole Line, Asserting that the Pretender had an Hereditary Right to the Crown; telling the People, in Case they did not like the Parliament, they must have Recourse to the Magazine of Original Power, were not sounding

ſounding a Trumpet to Rebellion, and did not make that Doctrine Seaſonable and Neceſſary to be Preach'd at that Time; they ſubmitted it to their Lordſhips; and therefore he hop'd that inſtead of laying a Brand of indelible Infamy on that Doctrine, their Lordſhips, for the Preſervation of Her Majeſty, and Her Succeſſors, and for the ſecuring the Peace of the Kingdom, would convey it as intire, and in as full Force down to Poſterity, as it had been Tranſmitted to their Lordſhips, by their Noble Progenitors.

And as to what one of the Honourable Gentlemen had concluded with, *viz.* That their Lordſhips would direct what Doctrine the Miniſters ſhould Preach.

If there were any Doctrine in the Bible not proper to be Preach'd; if there were any Doctrine, except that of the Deity, of greater Antiquity than that of Non-Reſiſtance which had Commenc'd from *Adam*, or was more Uſeful or Neceſſary for the Preſervation of the Government, then they ſubmitted that Doctrine ſhould be let alone. Upon the whole Matter, he ſaid he was in their Lordſhip Judgment, if upon Conſideration of what had been ſaid, their Lordſhips could be of Opinion, that the Doctor was Guilty of the High Crimes and Miſdemeanors contain'd in the firſt Article.

Mr. Dee *Succeeded in taking up the Doctor's Defence to this Purpoſe.*

He told their Lordſhips, That after ſo much had been ſaid, and ſo well preſs'd by the Gentlemen, that went before him, of the Doctrine of Non-Reſiſtance (which had been ſo well Eſtabliſh'd by the Opinion of the Fathers of the Church, and founded on the Laws of the Land) he ſhould think himſelf very unmannerly to ſpend their Lordſhips Time, in repeating the ſame in worſe Words; and therefore he begg'd leave only to make a few Remarks; firſt on ſome Generals, and then to add a few Words, and draw an Inference or two from one Law that had not yet been taken Notice of.

That they readily join'd with the Gentlemen Managers for the Houſe of Commons, in deſiring their Lordſhips to aſſert Fundamentals, and deſir'd their Lordſhips to conſider the Ancient Legal Conſtitution of the Kingdom. Wherein they readily comply'd with them, and doubted not but their Lordſhips would do it.

That ſome Notice had been taken of the Time and Place where that Sermon had been Preach'd; and one of thoſe Gentlemen ſaid, the Time was improper becauſe it was a Doctrine fit only to be preach'd in the Reign of a bad Prince, but not of a good one. Mr. *Dee* declar'd he was at a loſs to underſtand that: And thought if at any Time, it was ſeaſonable

able when they had so gracious a Princess upon the Throne much rather than in the Reign of a Tyrant or Usurper.

That the said Doctrine had been made appear to their Lordships to be consonant to the Laws of God, and the Laws of the Land; and when they had laid before their Lordships their Proofs that had been open'd, he hop'd their Lordships would allow they had prov'd their Case.

It was true the Gentlemen of the other Side said they had prov'd their Articles; but how? In no other way than by reading the Sermon, which they hop'd should be permitted to speak for it self.

It had been said, that the Municipal Laws of the Land signify'd nothing, only in Times of Peace. But what the Meaning of that was he knew not, unless that the Laws were to be silent in the time of War; but the way to maintain Peace and to prevent Blood and Wars at Home was to preserve our Laws.

It had been likewise urg'd as a Maxim, *That there could be no Right, but there must be a Remedy to preserve it*: Whereupon it had been hinted, as if there were some secret Right vested in the People to do something they did not think fit to name. Which Saying, he took to be a Maxim in the Law, and to relate only to Legal Matters, and the Meaning of it to be, That when any Man had a Property, the same Law which gave that Property gave him a Remedy, if the same were invaded. But he never understood that Maxim to be meant of a Remedy by Force, and was sure in most Cases such a Remedy was worse than the Desease.

He was sure no Gentleman of their Side would be thought in the least to reflect on the Revolution mention'd in the Impeachment; nor did any thing, as they thought that the Doctor had said in his Sermon, in the least look that Way. For the general Position of the utter Illegality of Resisting the Supreme Power, (as had been observed already) imply'd in it a Condition, (which perhaps might extend to some other Cases) and as said they extended to that of the Revolution.

And whereas one of the Managers had instanc'd the fourth Commandment, forbidding in general any Work to be done on the Lord's Day, and that yet, Works of Necessity and Mercy were allow'd to be done on that Day, and were an imply'd Exception. They said the like of the imply'd Exception to the general Doctrine laid down by the Doctor of the Illegality of Resistance.

And certainly there could be no Room to suppose any Reflection to be made on his late Majesty; for surely his Majesty had wanted no Excuse for his coming into *England*, nor could he be guilty of any thing that they properly call'd Resistance; as being a Sovereign Prince, who might do what he thought fit; because owing no Allegiance to any one, he could not be said to resist, in the Sense Resistance bore in the Doctor's

ctor's Sermon, which was the Resistance by Subjects to the Supreme Power,

He beg'd Leave to mention the Act of the second Year of King *William* and Queen *Mary* intituled. *An Act for a general Pardon*, by the last Clause whereof it was provided, *That nothing in that Act should extend to Pardon or Discharge any one for counselling or procuring the raising War against their Majesties, after the 13th Day of* February 1688, *unless such Person should before the 26th of* July *take the following Oath.* Then follow'd the Oath of Allegiance. From whence he begg'd leave to make an Inference or two: First, That it had been the Sense of the Legislature at that time, that those Persons who had contriv'd or abetted the raising War against their Majesties after they came to the Crown, were guilty of a High Crime, and stood in need of a Pardon. So that if any thing had shaken the Doctrine of the Illegality of Resistance, there Resistance was made as Criminal as it had been before. Secondly, It appear'd by that Clause to be the Opinion of the Legislature, that by the Oath of Allegiance, as then fram'd the Doctrine of the utter Illegality of Resistance was firmly establish'd. For, to what purpose should that Oath have been made the Condition of a Pardon for having resisted, unless they had thought that Oath laid an Obligation on the Persons taking it not to do so again?

And as for the Construction which some of the Managers for the Commons had put on the Doctor's Sermon, that the Notion of Non-Resistance could only be apply'd to some Body beyond Sea, they thought it to be very hard and strained: and he was sure it did not appear from any thing the Doctor had said in his Sermon, but the contrary plainly appear'd; for the Doctor did assert Her Majesty's Hereditary Right, and yet did not reflect on the Revolution; for tho' he spoke of Her Majesty's Hereditary Right, he did not any where say that she had no other than an Hereditary Right in Her. And it had been own'd by one of the Gentlemen that managed for the House of Commons that his late Majesty had a single Right by the Act of Settlement, but that Her Majesty had a two-fold Right, a Right according to the Act of Settlement, and an Hereditary Right too.

But in regard, there had been a great deal of time spent, he would only make one Remark further, which was, that the Learned Managers for the House of Commons had drawn many Inferences, by their Skill and Ingenuity, from Passages in the Doctor's Sermon, which he believ'd none of their Lordships could think the Doctor had ever thought of, when he was composing his Sermon or delivering it in the Pulpit.

Mr.

Mr. Dee *having concluded, Dolbw* Henchman *apply'd himſelf to the Lords, ſaying,*

That he was likewiſe aſſign'd Council for Dr *Sacheverell*; but if the Doctor had been repreſented by the learned Managers in his proper Colours, if he had been ſet before their Lordſhips in a true Light, and with his Mask off, he could not but beg leave to ſay, that nothing leſs than the Commands of that Honourable Houſe could have prevail'd with any one to appear in his Defence. If the Doctor had been a Mover of Sedition, and an Underminer of the Proteſtant Succeſſion and preſent Eſtabliſhment; if he had fomented deſtructive Diviſions, and excited his Fellow-Subjects to Arms and Violence, and taken all Advantages to vent his ſeditious Notions in the moſt publick manner, he could not but think that no Body would dare to open his Mouth in his Behalf in the Face of the Government, and before the united Legiſlature of the whole Kingdom. He proteſted for himſelf he would not do it, and believ'd he might ſay the ſame for all the Gentlemen that had ſpoke before him.

That the general Part of thoſe Articles had been already largely ſpoken to, and he ſhould therefore apply himſelf directly to the Firſt Article, and the firſt Branch of that Article, which had been made the Ground of that whole Accuſation *viz. That the Doctor had ſuggeſted and maintain'd that the neceſſary Means us'd to bring about the late happy Revolution were Odious and Unjuſtifiable.* He could not but own that to be a Charge of a very high Nature, and aggravated to the utmoſt by the great Pains the Gentlemen of the Honourable Houſe of Commons had taken and the Elaborate Speeches that had been made on that Head.

That the Juſtice of the Revolution was too plain to need any Vindication, every one of them being ſenſible of the happy Effects of it; and therefore for any one to caſt black and odious Colours on it, would have been, as the Honourable Managers ſaid *a Reflection on his late Majeſty, and muſt bring a foul Imputation on Her preſent Majeſty and Government*; which, if the Revolution were Unjuſtifiable, could be no other than an Uſurpation, and all Her Subjects Rebels.

That the Clauſe made uſe of to prove that Part of the Article, was in the 11th Page of the Sermon at St. *Paul's*, and had been often read; *The grand Security of our Government, and the very Pillar on which it ſtands, is founded upon the ſteady Belief of the Subjects Obligation to an abſolute and unconditional Obedience to the Supreme Power in all things Lawful, and the utter Illegality of Reſiſtance upon any Pretence whatſoever.* Which was the Ground of the Commons Impeachment becauſe there they ſaid the Doctor condemn'd all Reſiſtance, and in it the Reſiſtance which had been neceſſary at the Revolution.

Whether

Whether what was there laid down were agreeable to the Doctrine of the Church of *England* he ſaid was not his Province to determine, neither would he miſpend their Lordſhips time in eſtabliſhing that Doctrine; which had been already ſufficiently done, and the Doctor himſelf abundantly vindicated, from the Doctrine of St. *Paul* himſelf, from the expreſs Doctrine of the Church of *England* ſet forth in her Homilies, from the Writings of Biſhops and Divines dead and living, from the known and unrepeal'd Laws of the Lands, and from the Reaſonableneſs of laying down a general Rule without any Exception. That what farther Vindication could be neceſſary? Or how could a good Subject of the Realm, and a true Son of the Church, better make his Defence, than from the Laws of the one, and the Doctrines of the other? But becauſe the great Objection had been, That the ſaid Doctrine was there laid down without any Limitation or Exception at all; and Doctor *Henchman* being of a different Profeſſion from the Gentleman that had ſpoke before him, he ſhould take a different Way in Vindication of that Paſſage, and beg leave to follow the Method preſcrib'd by one of the Learned Managers of the Houſe of Commons. One of whom ſaid, *Ex ore ſuo judicabitur.* Which was all he deſir'd, that he might ſpeak for himſelf, and then it would be ſeen whether that Paſſage might not be juſtify'd by the very ſame Methods that had been made uſe of to accuſe him; and if nothing would ſatisfie the Gentlemen of the Houſe of Commons but an Exception, an Exception they ſhould have, and that out of Doctor *Sacheverell*'s own Mouth, which was in the 10th Page, and the beginning of that very Paragraph, where the whole Foundation of that Accuſation was laid. But he did not well know whether he might venture to mention it, leſt it ſhould ſubject him to a Proſecution in the Spiritual Court, or the Cenſure of his Dioceſan; but if it might help to acquit him from that Impeachment, he would adviſe him to run the Riſque of any Proſecution elſewhere.

The Clauſe was in theſe words, *But, Secondly, Men may be denominated Falſe Brethren, with relation to the State, Government, or Society of which they are Members, The Conſtitutions of moſt Governments differing according to their ſeveral Frames and Laws upon which they are Built and Founded, it is impoſſible to lay down any one univerſal Rule, as the Scheme and Meaſure of Obedience, that may ſquare to every one of them.*

Which Doctor *Henchman* ſaid, was an obſervable Inſtance of that Gentleman's good Temper and Moderation; nothing could be ſaid more like a good Chriſtian, and a good Subject, and a Man of Temper: He was not there for bringing all Things to his own Rule, but every Government was to ſtand upon its own Foundation, and be govern'd according to its own Rules.

But

But he went on; *Only this Maxim in general, I presume, may be established, for the Safety, Tranquility, and Support of all Governments, That no Innovation whatsoever should be allow'd in the Fundamental Constitution of any State, without a very pressing, nay, unavoidable Necessity for it.*

That, In these Words there was a plain Exception made, whenever the Case of an unavoidable Necessity should happen; and no Body would deny but that the Revolution had been such an unavoidable Case, and of Necessity, and what could not be reflected on, but with great Satisfaction, and Thanks to God for bringing it about. But it seem'd very strange that the said Exception should stand so very full and plain in the very Front of that Paragraph from which the Learned Managers had chiefly drawn that Accusation, and yet never be so much as once taken notice of by them. That Passages at a much greater Distance had been Connected in order to Accuse him, and there could be no Reason given why the subsequent Passage in the same Paragraph should not be explain'd by that; why what in the beginning had been said of all Governments in general, should not be extended to that Part where he spoke particularly of our own Constitution; Which there was no Doubt Doctor *Sacheverell* had in his Thoughts, and would be hop'd sufficiently Vindicate him from that Charge.

He would not therefore trouble their Lordships any longer on that Head, but only observe, that the Doctor in his Answer had put himself upon his Defence, that the said Doctrine was agreeable to the Doctrine of the Church of *England* and the Laws of the Land, and they were ready to produce his Vouchers, and make it evident to their Lordships.

Then Sir *Simon Harcourt* said. If they had not already tir'd their Lordships, there was this wide Difference between the Managers for the House of Commons and them; that the former desir'd their Lordships to trust them, and to take their Words in every thing; whereas the Defendants humbly beg'd their Lordships to take their Words in nothing, but that they would give them leave to lay before them the Testimonies for every thing they had open'd; but those being very long, they humbly submitted it to their Lordships, whether it would be proper then to produce them. The first Evidence they desir'd to read, being some godly and wholesome Doctrine contain'd in the Homilies; which for their Lordships Ease, they had collected by a Person that was ready to swear to them. They humbly submitted it to their Lordships, whether it should be read out of the Writing, or whether the Books themselves should be produc'd; for they would observe, their Lordships Commands, and proceed which way their Lordships pleas'd.

Mr. *Dodd* added, That they were ready to observe their Lord-

Lordſhips Directions in that Matter; having collected the Paſſages out of the Homilies, the Articles, the Sermons, and Acts of Parliament; and had a Perſon ready to make Oath that they were truly Collected: But if there ſhould be any Objection, they were ready to refer to the Books themſelves, and had them all there ready to produce.

Mr. *Phipps* ſaid, If their Lordſhips pleas'd, the Witneſs might be ſworn.

And accordingly Mr. Trapp *was Sworn.*

The Lord Chancellor told the Council, That if they offer'd any thing in Evidence, they muſt take the ſame Method that the Gentlemen of the Houſe of Commons had done, which was to prove, and then deliver it in at the Table to be there read.

Then Sir *Joſeph Jekyll* deſir'd the Lords to obſerve, That they had given the Council for the Priſoner no Diſturbance during their Defence, that ſo they might come to a ſpeedy Determination in his Tryal, otherwiſe they had Reaſon to Object to ſome things that had been ſaid by the Council. That they thought proper to deliberate upon what the ſaid Council was then going to do, and according to former Precedents, they deſir'd to withdraw, and would attend their Lordſhips again preſently.

Mr. *Smith* made the ſame Propoſal for the Managers to withdraw for a while, there being ſomething propos'd, which they thought fit to conſider of, and had ſomething to offer to their Lordſhips.

The Managers being withdrawn, the Lords adjourn'd to their own Houſe, and their Lordſhips returning to their Seats, and the Managers to the Place appointed for them; Proclamation for Silence was made by the Serjeant at Arms.

And Sir *Joſeph Jekyll* acquainted their Lordſhips, That the Managers had withdrawn for two Reaſons, the one, to conſider of ſeveral Expreſſions that fell from the Council at the Bar, which they had Reaſon to take Exceptions to; the other to conſider of the Evidence they offer'd to their Lordſhips. For the firſt, the Managers were ſo deſirous that no Interruption ſhould be given to the Doctor's Council in his Defence, that they there took no Notice of it, but reſerv'd that Matter to be taken Notice of at ſuch other time as they ſhould think proper. As to the Second, the Managers being unwilling the Doctor ſhould be depriv'd of any thing his Council could fancy might be Material for his Defence, they were contented to let them go on in the Way they propos'd; but to ſave their Lordſhips time, they admitted the Books, Sermons and Pamphlets to be as they had open'd them.

But

But Sir *Simon Harcourt*, Pray'd they might be read, because they had not open'd the tenth part of them.

Mr. *Dodd* said they had Collected them, to save their Lordships Time, but had not open'd them, because they reserv'd them to be read.

Mr. *Phipps* added that the Witness was Sworn. And ask'd him whether that was a true Copy of what it refer'd to?

To which Mr. *Trapp* answer'd, That he had compar'd them with the Originals, and that was a Transcript from the Original:

Then Mr. *Phipps* ask'd whether they were entire Paragraphs?

To which Mr. *Trapp* reply'd, they were most of them entire Passages.

The *Lord Chancellor* ask'd the Gentlemen of the House of Commons, whether they did Object to the Evidence?

And Sir *Joseph Jekyll* answer'd, they did not.

Then the Lords Adjourn'd to their own House.

Saturday, March 4. The Sixth Day.

THE Lords being seated as usual, and the Commons present, and the Managers at their Lordships Bar; the usual Proclamations were made;

And Doctor *Sacheverell* appearing at the Bar:

The *Lord Chancellor* said to the Gentlemen who were Council for Doctor *Sacheverell*, that having offer'd some Papers which they desir'd to be read in Evidence; the Gentlemen of the House of Commons had agreed to let them be read, as they desired.

Mr. *Dodd* Pray'd those Papers might be read.

And Mr. *Phipps* told the Lords, That the Defendant in his Answer did assert, "That the Doctrine of the Illegality of "Resistance to the Supreme Power, was contain'd in the Ho-"milies, and approv'd by many of the Divines of the Church "of *England*; they therefore desir'd to have those Homilies, and the Sermons of those Divines, read.

Then Sir *Joseph Jekyll* said The Gentlemen that open'd for the Doctor had been pleas'd to mention some Homilies and other Books, one intitled, *A Necessary Doctrine and Erudition for any Christian Man* which they had desir'd might be read, and said they had collected the Passages out of them in a Paper which they had offer'd to their Lordships. That the Managers had look'd into that Paper, and found Extracts out of Gazettes, and other Papers, and were willing to let them read the Homilies, and that other Book call'd, *The Erudition*.

Erudition for any Christian Man, ; but when they came to the others, they pray'd they might produce the Books or Papers themselves.

Which Mr. *Dodd* said should be observ'd accordingly.

And Mr. *Phipps* desir'd they might begin with the Book intitl'd, *The Erudition for any Christian Man.*

The Clerk Read the Paper Abstract. A Necessary Doctrine and Erudition for any Christian Man, set furthe by the King's Majesty of *England*, &c. *Anno* 34. *H.* 8.

In the Exposition of the fyfthe Commandment.

And by this Commandment also Subjects be bounde not to withdrawe their said Fealtie, Trouth, Love and Obedience towards their Prince, for any Cause whatsoever it be, ne for any Cause they maye conspire against his Person, ne do any thing towards the Hindrance or Hurt thereof, nor of his Estate. [Fol. 113.

In the Exposition of the fyxte Commandment.

Moreover, no Subjects may draw their Swords against their Prince, for any Cause, whatsoever it be. [Fol. 187. 9.

Then Mr. *Dodd* desir'd they might read several Passages in the Homilies.

The Clerk Read.] *The 2d. Part of the Sermon of Obedience.* p. 110.

Whereby Christ taught us plainly, that even the wicked Rulers have their Power and Authority from God, and therefore it is not lawful for their Subjects to withstand them, although they abuse their Power.

But nevertheless, in that Case we may not in any wise withstand violently or rebel against Rulers, or make any Insurrection, Sedition or Tumults, either by Force of Arms (or otherwise) against the Anointed of the Lord, or any of his Officers; but we must in such Case patiently suffer all Wrongs and Injuries, referring the Judgment of our Cause only to God. Ibid. p. 113.

The Third Part of the Sermon of Obedience, Pag. 114.

All Subjects are bounden to obey their Magistrates, and for no Cause to resist, or withstand, or rebel, or make any Sedition against them, yea altho' they be wicked Men.

First Part of the Sermon against wilful Rebellion, Pag. 189.

What shall Subjects do then? Shall they obey valiant, stout, wise and good Princes, and contemn, disobey, and rebel against Children being their Princes, or against undiscreet and evil Governours? God forbid! For, First, what a Perilous thing were it to commit unto the Subjects the Judgment which Prince is wise and godly, and his Government good, and which is otherwise; as though the Foot must Judge of the Head: An Enterprize very heinous, and must needs breed Rebellion.

And whereas indeed a Rebel is worſe than the worſt Prince, and Rebellion worſe than the worſt Government of the worſt Prince that hetherto hath been. [*Ibid.* p. 590.

Second Part of the Sermon againſt wilful Rebellion, Pag. 600.

Now let *David* anſwer to ſuch Demands, as Men deſirous of Rebellion do uſe to make, Shall not we, riſe and rebel againſt a Prince, hated of God, No, ſaith Good and Godly *David*.

But ſay they, ſhall we not riſe and rebel againſt ſo unkind a Prince, nothing conſidering or regarding our true, faithful and painful Service, or the Safeguard of our Poſterity? No, ſaith good *David*. [*Ibid.* p. 601.

Shall we not riſe and rebel againſt our known, Mortal, and deadly Enemy, that ſeeketh our Lives? No, ſaith godly *David*. [*Ibid.*

Shall we not aſſemble an Army, and by hazarding of our Lives, remove ſo naughty a Prince? No, ſaith godly *David*. [*Ibid.*]

What ſhall we then do to an evil, to an unkind Prince, an Enemy to us, hated of Good, hurtful to the Commonwealth, &c. Lay no violent Hand upon him (ſaith good *David*) but let him live, until God appoint and work his End, either by natural Death or in War, by lawful Enemies, not by traiterous Subjects. [*Ibid.*]

Mr. *Dodd* ask'd leave to read the thirty fifth Article of the Church of *England*, which approv'd thoſe Homilies, and Mr. *Phipps* deſir'd the ſame.

The Clerk Read.] *Article the Thirty fifth. Of Homilies.*

The ſecond Book of Homilies, doth contain a godly and wholeſome Doctrine, and neceſſary for theſe Times; as doth the former Book of Homilies, which were ſet forth in the Time of *Edward* the Sixth. And therefore we judge them to be read in Churches by the Miniſters, diligently and diſtinctly, that they may be underſtanded of the People, &c.

Mr. *Phipps* ſaid, thoſe Articles had been confirm'd, by the Statute of the 13 *Eliz.* and he believ'd the Gentlmen of the Houſe of Commons would allow of it.

Mr. *Dodd* added, they had been Confirm'd by the Act of Uniformity.

Sir *Jo. Jekyll* anſwer'd, they had told them they were willing to admit all they open'd, and therefore they admitted That.

Whereupon Mr, *Dodd* offer'd to go on with the Abſtract.

And Mr. *Phipps* told the Lords, the Gentlmen ſaid they admitted them to read what they had open'd; but they had not open'd what they were going to read next, and therefore ſubmitted it to their Lordſhips whether they ſhould read out of the Abſtract, or produce the Book it ſelf.

Sr

Sir *Jo. Jekyll* desir'd to know what it was they would read.

Which Mr. *Phipps* said, was Bishop *Overall*'s Convocation Book.

Mr. *Dee* Offer'd to produce the Book, because there were some broken Passages collected, and there might be some Objection if the Book were not produced.

The *Clerk read.*] And therefore——

Sir *Jo. Jekyll* interrupted him saying, they were reading a Passage out of that Book; to which the Commons might object, that a Printed Book was no Proof of a Canon, and that they ought to make a legal Proof of it. But that what they Objected, was that they began in the middle of a Sentence, with the Words, *And therefore*; he pray'd the beginning of a Sentence might be read.

To which Mr. *Phipps* made answer, that Where the Clerk began was the beginning of that Canon, but being at the End of another Canon, was the Reason that it began *And therefore.*

The Clerk read.] And therefore, if any Man shall affirm, under Colour of any thing that is in the Scriptures, that our Saviour *Christ* did any way, or at any time encourage the *Jews*, or any other, *directly* or *indirectly*, to *Rebel*, for *any Cause whatsoever*, against the *Roman* Emperor, or any of his Subordinate Magistrates; or, that he did not utterly and truly Condemn all Devices, Conferences, and Resolutions whatsoever, either in his own Apostles, or in any other Persons, for the *using of Force against Civil Authority*; or that all Subjects of what Sort soever, without Exception, ought not, by the Law of God, to Perish with the Sword, that take, and use the Sword, for *any Cause*, against Kings and Sovereign Princes, under whom they were Born, or under whose Jurisdiction they do inhabit; or, that by any Doctrine or Example, which Christ ever taught, or hath left upon good Record, it can be proved Lawful to any Subjects, for *any Cause of what Nature soever*, to decline either the Authority and Jurisdiction of their Sovereign Princes or of any their Lawful Deputies and Inferior Magistrates ruling under them; He doth greatly Err. [*Bishop* Overall, p. 107. *Can.* 1.

Mr. *Phipps* told the Lords, They had open'd, that from the Time of the Reformation that had been the Doctrine of the Church; and therefore desir'd to begin, and shew it had been Archbishop *Cranmer*'s Opinion: In *Strype*'s Memorial of Archbishop *Cranmer.*

The Clerk read.] The second Exhortation is, That next unto God you obey your King and Queen willingly and gladly, without Murmur or Grudging, and not for Fear of them only, but much more for the Fear of God. Knowing that they be God's Ministers, appointed by God to Rule and Govern you;

and therefore whoſo reſiſteth them, reſiſteth God's Ordinance. [Lond. *Edit. p.* 387. *Folio.*

Mr. *Phipps* ſaid, They next offer'd a Declaration of Biſhop *Ferrar*, Biſhop *Hooper*, Biſhop *Coverdale*, and about nine other Biſhops, which was in *Fox*'s Hiſtory.

The Clerk read.] Humbly requiring, and in the Bowels of our Saviour Jeſus Chriſt, beſeeching all that fear God to behave themſelves as obedient Subjects to the Queen's Highneſs, and the Superior Powers, which are Ordained of God, under her, rather, after our Example, to give their Heads to the Block, than in any point to Rebel, or once to Mutter againſt the Lord's Anointed. *This was Sign'd as mention'd by Mr.* Phipps [*Vol.* 3. *p.* 101.

The next Mr. *Phipps* offer'd, was the Opinion of Biſhop *Jewell*, in his Defence of the Apology for the Church of *England*, in an Anſwer to Mr. *Harding*.

The Clerk read.] We teach the People as St. *Paul* doth, to be Subject to the higher Powers, not only for Fear, but alſo for Conſcience; We teach them that whoſo ſtriketh with the Swerde by private Authority, ſhall periſh with the Swerde: If the Prince happen to be Wicked, or Cruel, or Burthenous, We teach them to ſay with St. *Ambroſe*, *Arma noſtra ſunt Preces & Lacrymæ, Tears and Prayers be our Weapons.* [Printed *Ann.* 1568. *fol.* 19.

The next was Mr. *Hooker* in his Eccleſiaſtical Polity.

The Clerk read.] That Subjection which we owe to lawful Powers, doth not only import, that we ſhould be under them by Order of our State, but that we ſhew all Submiſſion towards them, both by Honour and Obedience; *He that reſiſteth them reſiſteth God*: And reſiſted they be, if either the Authority it ſelf, which they exerciſe, be denied, or if Reſiſtance be made, but only ſo far forth, as doth touch their *Perſons*, which are inveſted with *Power*; or if that which they do by virtue of their *Power*, namely, their *Laws*, *Edicts*, *Services*, or other Acts of Juriſdiction, be not ſuffer'd to take Effect, or if they do take Effect, yet is not the Will of God thereby ſatisfied neither, as long as that which we do is contemptuouſly or repiningly done, becauſe we can do no otherwiſe. The Apoſtles Precept therefore is, *Be ſubject even for God's Sake, be ſubject not for Fear, but of meer Conſcience, knowing, that he which reſiſteth them, purchaſeth to himſelf Condemnation.* [Fol. 470. *Lond.* Edit. 1705.

M. Gen. Stanhope deſir'd, That ſince *Hooker*'s *Eccleſiaſtical Polity* was before their Lordſhips, and they had read that Part, the other from *pag.* 444, to the latter end of *pag.* 446. might likewiſe be read.

Mr. *Dodd* ſubmitted it to their Lordſhips, whether it were proper to break into their Defence? Or whether the Gentlemen of the Houſe of Commons would read what they thought proper

per

per when they came to Reply. The Courſe in other Courts being to give their Evidence intire.

Sir J. Jekyll thought the Indulgence of the Managers, in letting the Doctor's Council go into that Evidence very great, and that they might be at Liberty to croſs-examine that Witneſs; ſo he call'd the Book; becauſe, perhaps the Place they deſir'd to have read might explain the Paſſages read by them.

Mr. *Phipps* ſubmitted to it.

M. Gen. Stanhope ask'd the Edition of that Book?

The Clerk anſwer'd, it was Printed in 1705.

And *M. Gen. Stanhope* added, That if they ſhould be miſtaken in the Edition, he hop'd they ſhould not be hindred in their Reply from reading thoſe Paſſages in the Edition he had conſulted.

The Clerk read.] Again, on whom the ſame is beſtow'd at Mens Diſcretions, they likewiſe do hold it by Divine Right.— Payment of Tribute unto *Ceſar*, is the plain Law of Jeſus Chriſt unto Kings by Human Right; Honour by very Divine Right is due. — That the Chriſtian World ſhould be ordered by the Kingly Regiment, the Law of God doth not any where Command, and yet the Law of God doth give them, which once are exalted unto that place of Eſtate, Right to exact at the Hands of their Subjects general Obedience in whatſoever Affairs their Power may ſerve to Command, and God doth ratifie Works of that Sovereign Authority, which Kings have receiv'd by Men:— Unleſs we will openly proclaim Defiance unto all Law, Equity and Reaſon, we muſt (there is no Remedy) acknowledge, that in Kingdoms, Hereditary Birth giveth Right unto Sovereign Dominion, and the Death of the Predeceſſor puts the Succeſſor by Blood in Seiſin. Publick Solemnities do but ſerve for an open Teſtification of the Inheritor's Right, or belonging unto the form of inducting him into Poſſeſſion of that Thing he hath Right unto: [*Fol.* 441.

Next Mr. Dodd produc'd Biſhop *Andrews*'s Sermons.

The Clerk read.] To deprive or depoſe them? Sure where the worſt is reckon'd that can be of them, *Clamabum ad Dominum* is all I find, 1 *Sam.* 8. 18. By him, and by none but by him, they be; by him, and by none but by him, they ceaſe to be. [*Lond. Edition, Fol.* 1632. *p.* 939.

Mr. Phipps deſir'd to read another Paſſage out of Mr. *Hooker*, in a Treatiſe of Church Government.

Clerk reads.] A Treatiſe of Church Government: To which is added a Treatiſe of the Regal Power, and of the Novelty of the Doctrine of Reſiſtance, Publiſh'd by Dr. *Bernard* in his *Clavi Trabales.*

The Lord Chancellor interpos'd, ſaying, That was a Collection of the Works of ſeveral Perſons; ſo that it did not appear whoſe Works thoſe were that they were reading.

To which *Mr. Phipps* made Anſwer, That what they offer'd to be read was Mr. *Hooker*'s, and had been left out of the Book which was printed before.

The Clerk read.] There is a Supreme Head of Juſtice whereunto All are Subject, but It ſelf in Subjection to None; which kind of Preeminence if ſome ought to have in a Kingdom, who but the King ſhall have it? Kings therefore no Man can have Lawful Power and Authority to judge; if private Men offend, there is the Magiſtrate over them which judgeth; if Magiſtrates, They have Their Prince; if Princes there is Heaven, a Tribunal before which they ſhall appear, On Earth They are not Accountable to any. [Lond. *Edit.* 1601. 4to. *pag.* 49, 50.

Mr. Phipps then offer'd Doctor *Jackſon*'s Opinion in that Matter.

The Clerk read] He that is a King or Supreme Magiſtrate, by juſt and lawful Title, may not be thus reſiſted, albeit he exerciſe his Power Tyrannically. [*Tom.* 3. *p.* 965.

The next was Archbiſhop *Uſher* in a Treatiſe call'd, *The Power communicated by God to the Prince, and the Obedience requir'd of the Subject*, &c.

The Clerk read.] God's Word is clear in the Point, *Whoſoever reſiſteth the Power, reſiſteth the Ordinance of God, and they that reſiſt ſhall receive to themſelves Damnation*; and thereby a Neceſſity is impoſed upon us, of being ſubject even for Conſcience-ſake, which may not be avoided by the Pretext of any enſuing Miſchief whatſoever.

Mr. Phipps ſaid, They offer'd next the Authority of Mr. *Chillingworth*, whoſe Character was ſo eſtabliſh'd by the Lord *Clarendon* that they needed to ſay no more of it.

The Clerk read.] They that make no Scruple at all of *fighting* with his *Sacred Majeſty*, whom by all poſſible Obligations they are bound to defend, do they know, the *General Rule* without *Exception* or *Limitation*, left by the *Holy Ghoſt* for our Direction in *all* ſuch *Caſes*? *Who can lift up his Hand againſt the Lord's Anointed, and be Innocent*? 1 Sam. 26. 9. Or do they conſider his Command in the *Proverbs of Solomon*, *My Son fear God and the King, and meddle not with them that deſire Change*? Pro. 24 21. Or his Counſel in the Book of *Eccleſiaſtes*, *I Counſel thee to keep the King's Commandment, and that in Regard of the Oath of God*? Eccleſ. 8. 2. —Do they know and remember the Precept given to all Chriſtians by St. *Peter*, *Submit your ſelves to every Ordinance of Man for the Lord's ſake, whether it be to the King as Supreme, or unto Governours, as unto them that are ſent by him*? Or that terrible Sanction of the ſame Command, *They that reſiſt ſhall receive to themſelves Damnation*, left us by St. *Paul* in his *Epiſtle* to the *Romans*, who then were the miſerable Subjects of the worſt King, the worſt Man, nay, I think, I may add truly the worſt Beaſt in the World? That ſo all Rebels Mouths

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might be ſtopt for ever, and left without all Colour or Pretence whatſoever to juſtifie the Reſiſtance of Sovereign Power. [*Fol.* 330. *Lond.* 1714. *Folio.*

The next offer'd, was Archbiſhop *Bramhall*,

The Clerk read] The ſame Oath binds us to defend him againſt all Conſpiracies and Attempts whatſoever, which ſhall be made againſt his Perſon or Crown, to defend him, much more therefore not to offend him, againſt all Conſpiracies and Attempts whatſoever; that Oath which binds us to defend him againſt all Attempts whatſoever, preſuppoſeth that no Attempt againſt him can be juſtified by Law, whether theſe Attempts be againſt his Perſon or his Crown. [*Pag.* 531. *Dublin*, 1678. *Folio*.

If a Sovereign ſhall perſecute his Subjects for not doing his unjuſt Commands, yet it is not lawful to reſiſt by raiſing Arms againſt him, *They that reſiſt ſhall receive to themſelves Damnation*: [*Ibid. fol.* 542.

Mr. *Dodd.* ſaid, The next was Biſhop *Sanderſon.*

The Clerk read.] No Conjuncture of *Circumſtances* whatſoever, can make that *Expedient* to be done at any Time, that is of it ſelf and in the kind *unlawful.* For a Man to *take up Arms* (Offenſive or Defenſive) againſt a *lawful Sovereign*, being a thing ſimply, and *de toto genere* unlawful, may not be done by any *Man*, at any *Time*, in any *Caſe*, upon any *Colour* or Pretenſion whatſoever; Not for the avoiding of *Scandal*, not at the Inſtance of any *Friend*, or Command of any *Power* upon Earth; nor for the Maintenance of the *Lives* or *Liberties* either of our ſelves or others; nor for the Defence of *Religion*; not for the Preſervation of a *Church* or *State*; no nor yet, if that could be imagin'd poſſible, for the Salvation of *a Soul*; no, not for the Redemption of the *whole World.* [*Fol.* 522.

Mr. Phipps here told the Lords, that Doctor *Sacheverell* having being educated in the Univerſity of *Oxford*, they offer'd the Decrees of that Univerſity touching that Matter, publiſh'd in the *Gazette* the 26th of *July*, 1683, by Authority.

The Clerk read.] Numb. 1845.

The London Gazette. Publiſhed by Authority.

From *Monday July* 23. to *Thurſday July* 26. 1683.

The Judgment and Decree of the Univerſity of *Oxford*, paſt in their Convocation, *July* 21. 1683. againſt certain pernicious Books, and damnable Doctrines, deſtructive to the ſacred Perſons of Princes, their State and Government, and of all Human Society.

The Damnable Doctrines are, 1ſt. That all Civil Authority is deriv'd Originally from the People.

2dly. That there is a mutual Compact, Tacit or Expreſs, between a Prince and his Subjects; and if he perform not his Duty, they are diſcharg'd from theirs.

3dly

3dly. That if Lawful Governors become Tyrants, they forfeit the Right they had to their Goverment.

4thly. That the Sovereignty of *England* is in the three Estates *viz.* King, Lords and Commons.

5thly. That Birth-right and Proximity of Blood give no Title to Rule or Government; and it is lawful to preclude the next Heir.

6thly. That it is Lawful for Subjects, without the Consent of the Supreme Magistrate, to enter into Leagues, Covenantes, and Associations, for Defence of themselves and their Religion.

7thly. Self-Preservation is the Fundamental Law of Nature, and Supersedes the Obligation of all others,

8thly. That The Doctrine of the Gospel concerning patient Suffering of Injuries, is not inconsistent with violent resisting of the higher Powers in case of Persecution for Religion.

9thly, That there lyes no Obligation upon Christians to Passive Obedience, when the Prince commands any thing against the Laws of our Country;

10thly That Possession and Strength give a Right to Govern; and Success in a Cause or Enterprize proclaims it to be Lawful and Just.

11. That, In the State of Nature there is no difference between Good and Evil, Right and Wrong; *The State of Nature is a State of War, in which every Man hath a Right* to all things.

12. That the Foundation of Civil Authority is this natural Right, and a Domestick Rebel by his Rebellion acquires the same Right over the Life of his Prince as the Prince for the most heinous Crimes has over the Life of his own Subjects.

13. That Every Man after his entering into a Society, retains a Right of defending himself against Force,

14. That an Oath superadds no Obligation to Pact, and a Pact obliges no farther than it is credited; and consequently, if a Prince gives any Indication that he does not believe the Promises of Fealty and Allegiance made by any of his Subjects, they are thereby freed from their Subjection, and notwithstanding their Pacts and Oaths, may lawfully Rebel against and destroy their Sovereign.

15. That if a People that by Oath and Duty are oblig'd to a Sovereign, shall sinfully dispossess him, and chuse another, they may be oblig'd by their later Covenants, notwithstanding their former.

16. That all Oaths are unlawful, and contrary to the Word of God.

17. That an Oath obliges not in the Sense of the Imposer, but the Takers.

18. That Dominion is founded in Grace.

19. That the Powers of this World are Uſurpations upon the Prerogative of Jeſus Chriſt; and it is the Duty of God's People to deſtroy them, in order to the ſetting Chriſt upon his Throne.

20. That the Presbyterian Government is the Scepter of Chriſt's Kingdom, to which Kings as well as others are bound to ſubmit; and the King's Supremacy in Eccleſiaſtical Affairs, is injurious to Chriſt, the ſole King and Head of his Church.

21. That Wicked Kings and Tyrants ought to be put to Death; and if the Judges and Inferior Magiſtrates will not do their Office, the Power of the Sword devolves to the People; if the major Part of the People refuſe to Exerciſe this Power, then the Miniſters may Excommunicate ſuch a King; after which it is Lawful for any of the Subjects to kill him.

22. That It is Lawful for a Private Man, having an inward Motion from God, to kill a Tyrant.

23. That King *Charles* the Firſt was Lawfully put to Death, and his Murderers were the bleſſed Inſtruments of God's Glory in their Generation.

24. That King *Charles* the Firſt made War upon his Parliament, and in ſuch a Caſe the King may not only be reſiſted, but he ceaſeth to be King.

We Decree, Judge, and Declare all and every of theſe Propoſitions to be Falſe, Seditious and Impious, and moſt of them to be alſo Heretical and Blaſphemous, Infamous to Chriſtian Religion, and Deſtructive of all Government in Church and State, &c.

Then Mr. *Phipps* told the Lords, That to ſhew Archbiſhop *Tillotſon* had been of the ſame Opinion, they deſir'd to read his Letter which he wrote to the Lord *Ruſſell*, when he was under his Condemnation in *Newgate*, the 20th of *July*, 1683.

The Clerk read.] I do humbly offer to your Lordſhip's deliberate Thoughts theſe following Conſiderations concerning the Points of Reſiſtance, if our Religion and Rights ſhould be invaded, as your Lordſhip puts the Caſe.

Firſt, That the Chriſtian Religion doth plainly forbid Reſiſtance of Authority.

Secondly, That tho' our Religion be Eſtabliſh'd by Law, yet in the ſame Law which Eſtabliſhes our Religion it is declared, That it is not Lawful upon any Pretence whatſoever to take up Arms, &c. And that tyes the Hands of Subjects, tho' the Law of Nature, and the general Rules of Scripture had left us at Liberty.

Thirdly, Your Lordſhip's Opinion is contrary to the declared Doctrine of all Proteſtant Churches;— my End in this is,

to

to convince your Lordſhip that you are in a very great and dangerous Miſtake, &c.

J. TILLOTSON.

Next Mr. *Phipps* Offer'd the Opinion of Biſhop *Stillingfleet*.

The Clerk read.] A Vindication of the Anſwer, to ſome late Papers concerning the Unity and Authority of the Catholick Church, and the Reformation of the Church of England.

But it hath been ſaid by ſome Body, *That we had our Government and Ceremonies from his Church, our Doctrine from* Luther *and* Calvin; *and that we had nothing peculiar to our Church but our Doctrine of Non-Reſiſtance, and much good may it do us*, &c. [*Page* 89. Lond. 1687.

Mr. *Phipps* added, that the ſame Biſhop in a *Diſcourſe of the Unreaſonableneſs of a new Separation*; took Notice of ſome Objections made by thoſe who were Friends to the Government, as if Non-Reſiſtance were not conſiſtent with the Revolution.

The *Lord Chancellor* Objected there was no Name of an Author to thoſe Books they then produc'd.

To which Mr. *Dodd* anſwer'd, That the Book was generally known by all Learned Men to be Biſhop *Stillingfleet*'s, and Mr. *Chiſwell*, who Printed it had attended there three Days to prove it, but was then ill; yet had left a Certificate that he Printed it, and all Learned Men knew it to be his.

The Clerk read.] If any particular Perſons have advanced new Hypotheſes of Government, contrary to the Senſe of our Church, let them anſwer for themſelves. The Caſe of the Oaths is quite of another Nature; here is no Renouncing the Doctrine of Paſſive Obedience, or Aſſerting the Lawfulneſs of Reſiſtance.

Mr. *Phipps* deſir'd their Lordſhips to obſerve that ſince the Revolution that general Doctrine of Paſſive Obedience was Aſſerted by him.

And then Mr. *Dodd* offer'd Dr. *Sherlock* in his *Caſe of Allegiance ſtated.*

The Clerk read,] And Biſhop *Overall*'s Convocation Book, which is lately publiſhed, the principal Deſign of which is to aſſert the irreſiſtable Authority of Sovereign Princes, does as plainly aſſert this too, That all ſettled Governments, whatever their Beginnings were, have God's Authority, and muſt be obeyed,—ſo that Obedience and Allegiance to the preſent Powers, when they are once well ſettled among us, is ſo far from being a renouncing of the Doctrine of Non-Reſiſtance and Paſſive Obedience, that thoſe who refuſe to comply, muſt renounce the only Principle whereon that Doctrine is reaſonably founded, and conſequently renounce the Doctrine it ſelf. *p.* 37. *Lond.* 1691. 4o.

After

After which Mr. *Phipps*, offer'd a Book, Publish'd by the late Bishop *Beveridge*, with Her Majesty's Licence, countersign'd by the Earl of *Sunderland*.

The Clerk read.] *Private Thoughts upon Religion. By the Right Reverend Father in God*, William Beveridge, *D. D. late Lord Bishop of St.* Asaph.

I cannot but look upon a lawful King as truly a Representative of the most high God, as a Parliament is of the People: And am therefore perswaded that whosoever rebels against him, rebels against God himself; not only in that he rebels against the Ordinance of God, and so against the God of that Ordinance, but because he rebels against him, whom God hath set up as his Vicegerent, to represent his Person, and execute his Laws, in such a part of his Dominions.

For, thus saith the Lord of Hosts, *Rom.* 13. 1. *Let every Soul be subject to the Higher Powers.* Why? Because *there is no Power but of God; the Powers that be, are ordained of God.*

And he has denounced as great a Judgment against such as Rebel against the Magistrate he hath ordained, as against those that rebel against himself: For, *Whosoever resisteth the Power, resisteth the Ordinance of God; and they that resist shall receive to themselves Damnation*, ver. 2. So that the Wrath of God shall as certainly fall upon those that rise up against the King, as upon those that fight against God. He that fights against his King, fights against God himself, who hath invested him with that Power and Authority.

Upon this Ground it is, that I believe the Wickedness of a Prince cannot be a sufficient Plea for the Disobedience of his Subjects; for it is not the Holiness, but the Authority of God that he represents, which the most Wicked, as well as the most Holy, Person may be endow'd with: — Suppose a Prince be never so wicked, and never so negligent in his Duty of Protecting me, it doth not follow, that I must neglect mine of Obeying him. In such a case, I have another Duty added to this, and that is, to pray for him, and to intercede with God for his Conversion;

The next Book Mr. *Dodd* offer'd was the Archbishop of *Canterbury*'s Treatise, Intituled, *The Creed of Mr.* Hobbs *Examin'd.*

The Clerk read.] There is no Tye so strong as that of Religion, which eternally bindeth a Conscientious Subject in Allegiance to his Sovereign. [*Pag.* 158. Lond. 1670.

Wo to all the Princes upon Earth, if this Doctrine of Resistance be true, and becometh popular: If the Multitude believe this, the Prince not arm'd with the Scales of the *Leviathan*, that is, with irresistible Power, can never be safe; If the Beast we spoke of come but to know its own Strength, it will never be manag'd. Wherefore such as own these pernicious Doctrines, destructive to all Societies of Men, may be said to have Wolves Heads,

Heads, and are like thoſe Ravenous Beaſts, ſo far from deſerving our Love and Care, that they ought to be deſtroy'd at the common Charge. [*Ibid. p.* 160, 161.

Mr. Phipps produc'd a further Account of the Opinion of the ſame Arch-biſhop of *Canterbury*, in a Printed Paper, Intituled, *An Account of what paſſed at the Execution of the late Duke of* Monmouth, *on* Wedneſday *the* 15*th of July*, 1685. on *Tower-Hill*.

Wherein the Clerk read, That the ſaid Arch-biſhop having attended the Duke of *Monmouth* at his Execution, earneſtly preſs'd him to make a particular Confeſſion of his Crime and acknowledge himſelf guilty of Rebellion againſt his lawful Prince, adding he muſt acknowledge the Doctrine of Non-Reſiſtance to be true, and the Arch-biſhop and others with him declar'd, That publick Satisfaction to be a neceſſary part of his Repentance, and that they could not pray for him with that Chearfulneſs they ſhould, without that particular Acknowledgment and Deteſtation of his Rebellion.

Mr. Phipps deſir'd they might read the Sermon of his Grace the preſent Archbiſhop of *York*, preach'd before their Lordſhips on the 30th of *January*, 1700.

The Clerk read.] And in caſe it ever happen that we cannot with a ſafe Conſcience Obey, there we are patiently to ſuffer the Penalties of our Diſobedience; but by no means either to affront their Perſons, or to diſturb their Government, by raiſing or partaking in any Tumult, or Inſurrection, or Rebellion. p. 13.

That there is ſuch a Submiſſion due from all Subjects to the Supreme Authority of the Place where they live, as ſhall tye up their Hands from Oppoſing, or reſiſting it by Force, is evident from the very Nature and Ends of Political Society. And I dare ſay, there is not that Country upon Earth, let the Form of their Government be what it will (abſolute Monarchy, legal Monarchy, Ariſtocracy or Common-wealth) where this is not a part of the Conſtitution. Subjects muſt obey Paſſively, where they cannot Obey Actively:— Nor is this only a State Doctrine, but the Doctrine alſo of Jeſus Chriſt, and that a neceſſary, indiſpenſable one too, as ſufficiently appears from thoſe famous Words of St. *Paul*, *Rom.* 13. 1, 2. which are ſo plain, that they need no Comment,— So that ſo long as this Text ſtands in our Bibles, the Doctrine of Non-Reſiſtance, or Paſſive Obedience, muſt be of Obligation to all Chriſtians. [*Ibid* p. 19, 20.

Mr. Dodd. Pray'd the Clerk to ſee whether the Thanks of the Houſe had been given to the Archbiſhop for his Sermon; and he read the Order of the Lords for the Thanks of the Houſe to be given to his Grace.

Mr. Walpole then interpos'd, ſaying, He preſum'd the Council had offer'd all they thought proper to offer out of that Sermon: But to ſhow a Specimen of the Candor of the Doctor's Quotations,

Quotations, he pray'd the Clerk might read the two next Paragraphs of that Sermon, as diſtinctly as he had read the others.

The Clerk read.] But then, after I have ſaid this, care muſt be taken, that this general Doctrine be not miſapplyed in particular Countries. Tho' Non-Reſiſtance or Paſſive Obedience, be a Duty to all Subjects, and under all Governments, yet it is not expreſs'd the ſame way in all Places, but both the Objects and the Inſtances of it do vary in different Nations, according to the different Models of their Government. [Fol. 20.

To ſpeak this as plainly as I can: As the Laws of the Land are the Meaſures of our Active Obedience, ſo are alſo the ſame Laws the Meaſures of our Submiſſion; and as we are not bound to Obey, but where the Laws and Conſtitution require our Obedience, ſo neither are bound to ſubmit, but as the Laws and Conſtitution do require our Submiſſion.

Mr. *Walpole* farther deſir'd one Paragraph more might be read; which began with theſe Words, *If indeed a Preacher.*

The Clerk read.] If indeed a Preacher ſhould in the Pulpit preſume to give his Judgment about the Management of publick Affairs, or to lay down Doctrines as from Chriſt about the Forms and Models of Kingdoms or Commonwealths, or to adjuſt the Limits of the Prerogative of the Prince, or of the Liberties of the Subject in our preſent Government; I ſay, if a Divine ſhould meddle with ſuch matters as theſe in his Sermons, I do not know how he can be excus'd from the juſt Cenſure of meddling with things that nothing concern him: This is indeed a *practiſing* in *State-matters*, and is Uſurping an Office that belongs to another *Profeſſion*, and to Men of another *Character*; And I ſhould account it every whit as undecent in a Clergyman to take upon him to deal in theſe Points, as it would be for him to determine Titles of *Land* in the *Pulpit*, which are in diſpute in *Weſtminſter-Hall.*

Mr. *Phipps* anſwer'd, That as to the firſt Paragraphs they entirely concurr'd in what was laid down in them; and if they ſhould ſhew that the Doctrine of Non-Reſiſtance was agreeable to the Laws of the Land, then it was agreeable to what was there laid down: As to the other Part, if the Doctor had taken upon him to treat of the Model of Government, he would be under the Cenſure of the Archbiſhop; but they deſir'd to read a little before the beginng of that Paragraph.

The Clerk Read.] Titus 3. 1. *Put them in mind to be ſubject to Principalities and Powers, to obey Magiſtrates*— the buſineſs that the *Preacher* hath to do, is to preſs *Obedience* and *Subjection* to the Government we live under, and to preach againſt *Faction*, and *Rebellion*; And accordingly, it is preſcribed in the *Rubrick* of this *Day's Service*, that if there be a *Sermon* at all, and not

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a *Homily*, it shall be upon this Argument. ——there are some among us think it a very improper *Theme* for the *Pulpit*.

St *Paul* here lays his Charge upon *Titus*, that he should put the People that were under his Care *in mind, to be subject to Principalities and Powers, and to obey Magistrates* ——

It is not Foreign to a Clergyman's Office to Preach *Obedience* and *Subjection* to the Government; but on the contrary a Part of his Function, a necessary Duty incumbent upon him to do it:

We are all bound, as we have Occasion, to Preach up *Loyalty*, and *Obedience* to our *Governours*; for this is no *State Affair*, but an *Affair* of the *Gospel*. We cannot Instruct Men in Christ's Religion, without instructing them in this.

If indeed, it was an indifferent thing to a Man's Christianity, or to his Salvation, whether he was a *good* or a *bad* Subject, then it would be as indifferent to a Preacher, whether he insisted on these things to the People; but it is not so.

One great *Vice* and *damnable Sin* that the Religion of our Lord has caution'd against, is the Sin of *Faliousness* and *Rebellion*; and therefore if it be our Duty to declare against the Sins and Vices that are contrary to Christianity, it is our Duty to declare and caution against this also.

Mr. *Phipps* then said, he did not desire to read any more; as beliving they had justify'd their Quotations, and shew'd it to be the Opinion of that Great and Learned Archbishop, that the Doctrine of Passive Obedience and Non-Resistance was the Doctrine of the Church; and that it was a Duty incumbent on the Clergy to Preach it to the People.

Mr. *Dodd* next offer'd the Opinion of the then Bishop of *Worcester*, in a Sermon preach'd before the late Queen the 29th. of *May*, 1692, when he was Bishop of St. *Asaph*.

The Clerk read.] Our Obedience was made use of as a perfect Snare to us; we must not resist, that our Religion would not allow.——— It was God that Infatuated our Oppressors, to join the Injuries of a People that cou'd not lawfully Resist, with those of a Prince that cou'd not lawfully pass them by without Resistance.

Mr. *Phipps* produc'd a Sermon preach'd by the Bishop of *Rochester* before the Artillery Company, upon the 29th of *May*, 1692.

[*The Clerk read.*] If St. *Peter* was, then certainly all other Christian Subjects are forbidden to unsheath the Sword against their Lawful Sovereign, or his Ministers, as they are commission'd by him, tho' they do it on a Pretext so Spiritual, as the Cause of Christ himself.— Can there be any Colour so specious, any Cause so just, in which, instead of Damnation, a Christian Subject may justly expect to receive to himself Salvation, on the Account of Resisting? [*Ib.* 25, 26.

Mr. *Phipps* then offer'd the Authority of the Lord Bishop of *Sarum*; where he shew'd, that to be not only the Doctrine of

of the Church of *England*, but of the Church of *Scotland*, and of all Chriſtian Churches.

• The Clerk Read.] *A Vindication of the Authority, Conſtitution and Laws of the Church and State of* Scotland, &c. *By* Gilbert Burnet.

Theſe Words of St, *Paul* being as at firſt addreſs'd to the *Romans*, ſo alſo deſign'd by the Holy Ghoſt to be a part of the Rule of all Chriſtians, do prove, that whoever hath the Supreme Power, is to be ſubmitted to, and never reſiſted. [*Printed at* Glaſcow, 1673. Pag. 41, 42.

He that is the King, is only accountable to God, whoſe Miniſter he is. And this muſt hold good, except you give us good ground to believe, that God hath given Authority to the Subjects to call him to account for his Truſt; but if that be not made appear, then he muſt be left to God, who did impower him, and therefore can only Coerce him. As one having his Power from a King, is countable to none for the Adminiſtration of it, but to the King, or to thoſe on whom the King ſhall devolve it: So except it be proved, that God hath warranted Subjects to call their Sovereigns to account, they being his Miniſters, muſt only be anſwerable to him.

Mr. *Phipps* produc'd another Sermon preach'd by the Biſhop of *Salisbury*, intitled, *Subjection for Conſcience Sake aſſerted, in a Sermon preach'd at* Guildhall, 1689.

The Clerk Read.] Bleſſed be God, our Church hates and condemns this Doctrine from what Handſoever it comes, and hath eſtabliſh'd the Rights, and Authority of Princes, on ſure and unalterable Foundations, enjoining an entire Obedience to all the lawful Commands of Authority, and an abſolute Submiſſion to that Supreme Power God hath put in our Sovereign's Hands. This Doctrine we juſtly glory in; and if any that had their Baptiſm, and Education in our Church, have turn'd Renegades from this, they prov'd no leſs Enemies to the Church her ſelf, than to the Civil Authority: [*Printed at* London. *pag.* 30.

Mr. Phipps here obſerv'd, That the abſolute Submiſſion to the Supreme Power were the Words in the Doctor's Sermon.

Sir Peter King pray'd, That before their Lordſhips went on to any other, the 17th Page of the Book before read, intitled, *The Vindication of the Authority, Conſtitution and Laws of the Church and State of* Scotland, might be read.

The Clerk read.] The Caſe varies very much when the Abuſe is ſuch that it tends to a total Subverſion, which may be call'd juſtly *a Phrenſie*, ſince no Man is capable of it till he be under ſome Leſion of his Mind; in which Caſe, the Power is to be adminiſtred by others, for the Prince and his Peoples Safety: But this will never prove that a Magiſtrate governing by Law, tho' there be great Errors in his Government, ought to be coerced:

exceed: Otherwiſe you muſt open a Door to perpetual Broils, ſince every one by theſe Maxims becomes Judge; and where he is both Judge and Party, is not like to be caſt in his Pretenſions: And even few Malefactors die, but think hard meaſure is given them. If then forcible Self-defence be to be follow'd, none of theſe ſhould yield up their Lives without uſing all Attempts for reſcuing them.

Mr. Dee then offer'd a Sermon by the Biſhop of *Ely* before the Lord-Mayor and Aldermen at *Guildhall*, the 26th of *January*, 1684.

The Clerk read.] The patient Chriſtian cannot but condemn thoſe, who under the Pretence of defending their Rights or Religion, reſiſt lawful Authority. It being a Blaſphemy againſt the Divine Wiſdom, and Power, to ſuppoſe God can ever ſtand in need of our Sins to bring to paſs his moſt glorious Deſigns. He then in whom this Virtue dwells, keeps a due Regard to the Commands laid upon him, to ſubmit himſelf to the Supreme Powers, and he dares not lift up his Hand againſt the Lord's Anointed, or levy War upon the moſt plauſible Account whatſoever, [*Pag.* 19.

There is an univerſal abſolute Command in Holy Scripture laid upon all Chriſtians, to be ſubject to the Supreme Powers in all Caſes. Now nothing is plainer, than that if we be requir'd to be ſubject in all Caſes, Reſiſtance in any will be ſinful. *Let every Soul be ſubject to the Higher Power*; to which Chriſtian Precept there is no Exception to be found for any Perſon, in any Inſtance, from one End of the Chriſtian Inſtitution to the other. The Holy Scripture gives Permiſſion no more to the People collected into one Body to rebel, than it does to each of them, by himſelf ſingly conſider'd. Every Chriſtian, in all Circumſtances, is requir'd to conform to the Laws of the Supreme Authority, if they have no Repugnancy to God's Laws, and to ſuffer patiently where Obedience would be a Sin.

Mr. Dee next produc'd a Sermon of the Biſhop of *Bath* and *Wells*, preach'd before the King at *Whiteball* the fifth of *November* 1681.

The Clerk read.] We ſhould in no Caſe, and for no Reaſon Reſiſt, the Church, of which we have the Bleſſing to be Members, where ſhe can't obey, is ready to endure, expecting her Reward in Heaven. Not ignorant how much ſhe ſuffers now from the Contradiction of diſloyal Men for the Truth of this Doctrine, and how much for its Meekneſs ſhe ſtands expos'd to future Perſecution. [*p.* 11. *Ibid. p.* 19.

The next was a Sermon preach'd by the Biſhop of *Lincoln* before their Lordſhips on the 30th of *January* 1708, and publiſh'd by their Lordſhips Command.

If it shall please God any time to permit *Lawful Powers* to be against Us, and make them that hate us, to rule over us; We must follow the Example of our Blessed *Master*; and submit patiently to their *Authority*; and not, with the warm *Apostle* St. *Peter*, *take the Sword against those, to whom God has committed the Power of the Sword.* pag. 15, 16, 17, 18.

Wherefoever the Supreme Power is lodg'd, or in whomsoever it resides we are bound to pay either an Active or Passive Obedience to it; must either do what it requires, or suffer what it inflicts; This is without Controversie the standing *Doctrine of Christianity*, and has been confirmed by the *Practice* of the *best Christians* in all Ages of the *Church*.

The *Laws* of the Nation declare, " That *by the Undoubted* " *and Fundamental Laws of this Kingdom, neither* the Peers *of* " *this Realm, nor* the Commons, *nor* both together; *in* Parliament; " *or out of* Parliament; Collectively, *or* Representatively; *nor* " *any* Other Persons *whatsoever; ever had, have, hath, or ought* " *to have*, any Coercive Power *over the* Persons *of the* Kings *of* " *this Realm.*

The Clerk read as by Direction of the Managers.

Had that excellent Prince indeed never called his last Parliament at all, nor given any Opportunity to his People to redress their Grievances by the proper Methods of it: Had he not only continued to insist upon those Pretensions which some had set up under the Shelter of his Authority, but so far improved them as utterly to set aside the Laws of the Realm, and to act Arbitrarily, not only without Law but against it; And when nothing else would do, had he chosen rather to Desert the Government, than to Rule according to his own Oath, and the Fundamental Laws and Limitations of it; this might have warranted an Oppressed People to take the Sword for the necessary Defence of their Laws and Constitution, and their Religion and Liberties founded thereupon.

The next produc'd was the Bishop of *Exeter*'s Sermon preach'd before her Majesty, on Her Majesty's Accession to the Throne.

The Clerk read.] Nay, tho' the Laws of our Earthly Governors should in some Instances be contrary to the Divine Laws, yet this does not void their Authority, they are the Ministers of God for all this; and there is a Duty lying on Subjects even in this Case, viz. not to oppose, nor resist the Power, but quietly and patiently to suffer the Penalty of those Laws, which they can't, without sinning against God, yield an active Obedience to. pag. 13, 14.

The next was the Bishop of St. *Asaph*'s Sermon preach'd before the Lord Mayor on the 30th of *January*, 1699.

The Clerk read.] It is plain, that a Government can't possibly subsist for any time, where any kind of Violence is allow'd a-

gainſt the Magiſtrate. Government is at an end, where Rulers are expos'd to popular Aſſaults. [Pag. 18.

Then a Sermon preach'd by the Biſhop of *Carliſle*, before the Lords upon the 30th of *January*, 1702.

The Clerk read.] If we ungratefully alter our Notions of the Divine Right of Government, and throw off our Ancient and Primitive Rules of Obedience, we ſhall make an unworthy Return for the Mercies we have received. pag. 31.

Next were offer'd three Sermons preach'd before the Houſe of Commons; one by Dr. *Eyre*, upon the 30th of *January*, 1707.

The Clerk read.] Let no Seditious and Antimonarchical Principles be ſo much as once named among us, let no ſly inſinuations of Male-Adminiſtration be ſuggeſted, no new Doctrines advanced, nor any old ones revived, whereby to leſſen the Security of the Crown, under the ſpecious Pretence of maintaining the Rights and Liberties of the People.

Then Dr. *Kennet*'s Sermon preach'd before the Compons the 30th of *January*, 1705.

The Clerk read.] This is the true Foundation of that common Axiom, *The King can do no wrong*, becauſe there is no Right, nor Remedy againſt his Royal Perſon.

It was declarative of our Original Conſtitution, and our Legiſlature, upon occaſion of this Day, would have it expreſs'd, that by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament; nor the People Collectively, or Repreſentatively, nor any other Perſons whatſoever, ever had, have, or ought to have, any coercive Power over the Perſons of the Kings of this Realm.

Next Dr. *Delaune*'s Sermon preach'd before the Houſe of Commons upon the [illegible]th of *January*, 1702.

The Clerk read.] [illegible] Subject breaks his part of the Covenant (as I may call it) his Puniſhment is at Hand; and if the Supreme Power breaks his, his Puniſhment is no leſs certain, tho' more remote; for he is guilty before God, who is his Ruler, tho' it is impoſſible he ſhould be accountable for it in his own Dominions, for that would infer a Power Superior to the Supreme, which is a flat Contradiction. pag. 10.

Then Mr. *Dodd* obſerv'd how generally that Point was laid down in all thoſe Sermons without making any Exception, tho' he doubted not but there was an Exception included in every one; And deſir'd that the ſame Exception might be allow'd to the Doctor, for if he had err'd, he could only be ſaid, *Errare cum Patribus.*

Mr. Phipps added, They had ſo far made good their Defence, proving that to be the Doctrine of the Church of *England*; and preach'd in the ſame Terms in which the Doctor had preach'd it, ever ſince Her Majeſty's Acceſſion to the Throne, without

any

any Objection made to it till then, and that it had been approv'd by both Houſes of Parliament, and by Her Majeſty. They would therefore proceed to ſhew that it was confirm'd by ſeveral Acts of Parliament; the firſt in the 12 *Car.* 2. *c.* 30.

The Clerk read.] And be it hereby declar'd, that by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People Collectively or Repreſentatively, nor any other Perſons whatſoever, ever had, have, hath, or ought to have, any coercive Power over the Perſons of the Kings of this Realm.

The next was the Oath in the Corporation Act, 13 *Car.* 2 *Stat.* 2 §. 5.

The Clerk read.] *I* A. B. *do declare and believe, That it is not Lawful, upon any Pretence whatſoever, to take up Arms againſt the King; and that I do abhor that Traiterous Poſition of taking Arms by his Authority againſt his Perſon, or againſt thoſe that are commiſſioned by him: So help me God.*

This *Mr. Dodd* ſaid was a general Oath to be taken by all the Officers of Corporations.

Sir Jo. Jekyll objected, that the ſaid Act was repeal'd.

To which Mr. *Dodd* anſwer'd, They had open'd that it was repeal'd, but had inſiſted, That as the ſaid Oath had been taken by all Officers of Corporations ſo many Years, ſo it had been then a true Propoſition, and ſtill remain'd ſo, altho' it were repealed: That Repeal did not make the Propoſition falſe.

And Mr. *Phipps* admitted, that in the Act for Abrogating the Oaths and appointing others, that Paragraph was omitted. But that they offer'd it to ſhew that the Doctrine had been Sworn to by moſt of the Great Men, and all the Great Officers of *England*, for ſo many Years together.

The next was the Oath in the Militia Act, 13 & 14 *Car.* 2.

The Clerk read.] Sect. 18. *I* A. B. *do declare and believe, That it is not Lawful, upon any Pretence whatſoever, to take up Arms againſt the King; And that I do abhor that Traiterous Poſition, that Arms may be taken by his Authority againſt his Perſon, or againſt thoſe that are commiſſion'd by him in purſuance of ſuch Military Commiſſions: So help me God.*

The next was the Oath in the Act of Uniformity, 13 & 14 *Car.* 2. *Cap.* 4.

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I A. B. do declare, That it is not Lawful, upon any Pretence whatsoever, to take Arms against the King; and that I do abhor that traiterous Position of taking Arms by his Authority against his Person, or against those that are commissioned by him; And that I will Conform to the Liturgy of the Church of England, *as it is now by Law Establish'd. And I do declare, That I hold there lyes no Obligation upon me or any other Person, from the Oath commonly called the Solemn League and Covenant, to endeavour any Change or Alteration of Government either in Church or State; And that the same was in it self an unlawful Oath, and imposed upon the Subjects of this Realm, against the known Laws and Liberties of this Kingdom.*

Mr. Phipps told their Lordships, That their Reason for reading that Oath was to let them see what Obligations had been on all Clergymen to Subscribe that Declaration, and then they submitted it to their Lordships Judgment, whether the Doctor were Criminal for Preaching that which all Parsons were, before that Act was repealed, obliged to Subscribe, in order to qualifie themselves for Preaching; and he beg'd leave just to observe, That by the 16 *Car.* 2. The Act for select Vestries, all Vestrymen were oblig'd to Subscribe the same Declaration.

Mr. Dodd said, he thought they needed not to read two other Acts, because they had been so lately made; the one being for the Association, the other for the Abjuration, which was taken almost every Day in *Westminster-Hall.*

Mr. Phipps added, That they should offer nothing more on that Article, but only some part of his late Majesty's Declaration, to shew there had been some Reason for what the Doctor said of his late Majesty's disclaiming all manner of Resistance.

But *Sir Joseph Jekyll* desir'd it might be read quite through.

The Clerk read.] *The Declaration of his Highness*, William Henry, *by the Grace of God, Prince of* Orange, &c.

The Purport whereof was, That when the *Liberties* and *Religion* of a Nation were in Danger, it behov'd those that were most immediatly concern'd to endeavour to preserve and maintain them, and therefore he could no longer forbear to declare, that the Kings evil Councellors had overturn'd the Laws of *England*, and were introducing an Arbitrary Government, by advancing the Kings *Dispensing Power*, and procuring the Judges to give their Opinions in behalf of it; by setting up the *Ecclesiastical Commission*, which had suspended the Bishop of *London*, and turn'd out the Fellows

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of *Magdalen* College; by Erecting Popish Chappels and Monasteries; by putting *Papists* and such as would consent to the repealing of the Penal Laws and Test into Civil and Military Employments; by seizing the Charters of Corporations; by putting the whole Government of *Ireland* into the Hands of Papists; by declaring in *Scotland* that all Subjects are bound to obey the King without Reserve, by Imprisoning the Bishops, &c. That both himself and the Princess his Consort, much doubting that the Pretended Prince of *Wales* was not born by the Queen had thought fit to go over into *England*, and to carry over with them a Force to defend them from the Violence of those Evil Councellors, being earnestly sollicited thereto by many Lords Spiritual and Temporal, and by many Gentlemen and other Subjects of all Ranks. Therefore they thought fit to declare, That their Expedition was intended for no other Design, but to have a Free and Lawful Parliament assembled, both for theconfirming and executing the Law concerning the *Test*, and such other Laws as were necessary for the Security and Maintenance of the *Protestant Religion*; as likewise for making such Laws as might establish a good Agreement between the *Church of England* and all *Protestant Dissenters*; as also for the covering and securing of all such who would live peaceably under the Government, as became good Subjects, from all Persecution upon the Account of their Religion, even *Papists* themselves not excepted; and for the doing of all other things, which the two Houses of Parliament should find necessary for the Peace, Honour and Safety of the Nation, so that there might be no more danger of the Nations falling at any time under *Arbitrary Government*. That they would also refer to the Parliament: the Enquiry into the Birth of the Pretended Prince of *Wales*, and of all things relating to it, and to the Right of Succession.

And would concur in every thing that might procure the Peace and Happiness of the Nation, which a Free and Lawful Parliament should determine; since they had nothing before their Eyes in that their Undertaking, but the Preservation of the *Protestant Religion*, the Covering of all Men from Persecution for their Consciences, and the securing to the whole Nation the free Enjoyment of all their Laws, Rights and Liberties under a Just and Legal Government. For that was the Design they had proposed to themselves, in appearing upon that occasion in Arms: In the Conduct of which, They would keep the Forces under their Command, under all the Strictness of Martial Discipline; and take a special Care, that the People of the Countries, through which they were to March, should not suffer by their Means; and as soon as the State of the Nation would admit of it, they promis'd to send back all those Foreign Forces they had brought along with them. And therefore hop'd that

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all People would judge rightly of them, and approve their Proceedings: And in the laſt Place invited and requir'd all Perſons whatſoever, all the Peers of the Realm both Spiritual and Temporal, all Lords-Lieutenants, Deputy Lieutenants, and all Gentlemen, Citizens, and other Commons of all Ranks, to come and aſſiſt them, in order to the Execution of that their Deſign, againſt all ſuch as ſhould endeavour to Oppoſe them; that ſo they might prevent all thoſe Miſeries which muſt needs follow upon the Nations being kept under Arbitrary Government and Slavery: And that all the Violences and Diſorders which had overturn'd the whole Conſtitution of the *Engliſh* Government, might be fully redreſſed in a *Free and Legal Parliament*.

And they likewiſe reſolv'd, that as ſoon as the Nations were brought to a ſtate of Quiet, Care ſhould be taken that a Parliament ſhould be call'd in *Scotland*, for reſtoring the Ancient Conſtitution of that Kingdom, and for bringing the Matters of Religion to ſuch a Settlement, that the People might live eaſy and happy, and for putting an end to all the injuſt Violences, that had been in a courſe of ſo many years committed there.

They would alſo ſtudy to bring the Kingdom of *Ireland*, to ſuch a ſtate, that the Settlement there might be religiouſly obſerv'd; and that the Proteſtant and *Britiſh* Intereſt there, might be ſecur'd. And would endeavour by all poſſible Means, to procure ſuch an Eſtabliſhment in all the Three Kingdoms, that they might all Live in a happy Union and Correſpondence together; and that the Proteſtant Religion, and the Peace, Honour and Happineſs of thoſe Nations, might be Eſtabliſh'd upon a laſting Foundation.

Then was read the Additional Declaration.

That after they had Prepared and Printed their Declaration, they had underſtood, that the Subverters of the Religion and Laws of thoſe Kingdoms, hearing of their Preparations, to Aſſiſt the People againſt them, had begun to Retract ſome of the Arbitrary and Deſpotick Powers that they had aſſumed, and to Vacuate ſome of their Injuſt Judgments and Decrees. The Senſe of their Guilt, and the Diſtruſt of their Force, having induced them to offer to the City of *London* ſome ſeeming Relief from their great Oppreſſions; hoping thereby to Quiet the People, and to Divert them from demanding Reeſtabliſhment of their Religion and Laws under the Shelter of their Arms: They alſo gave out, That their Highneſſes did intend to Conquer and Enſlave the Nation; and therefore they had thought fit to add to their Declaration.

That they were confident, that no Perſons could have ſuch hard Thoughts of them, as to imagine they had any other

other Design in that Undertaking than to procure a Settlement of the Religion, and of the Liberties and Properties of the Subjects, upon so sure a Foundation, that there might be no danger of the Nation relapsing into the like Miseries at any time. And as the Forces they brought with them were utterly disproportioned to that wicked Design of Conquering the Nation, if they had been capable of Intending it; so the great Numbers of the principal Nobility and Gentry, that were Men of Eminent Quality and Estates, and Persons of known Integrity and Zeal both for the Religion and Government of *England*, many of them being also distinguished by their constant Fidelity to the Crown, who did both accompany them in that Expedition, and had earnestly sollicited them to it, would cover them from all such malicious Insinuations: For it was not to be imagined, that either those who had Invited them, or those that were already come to Assist them, could join in a wicked Attempt of Conquest, to make void their own lawful Titles to their Honours, Estates and Interests. They were also confident, that all Men saw how little Weight there was to be laid on all Promises and Engagements then made; since there had been so little regard had in the Time past, to the most solemn Promises. And as that imperfect Redress that was then offered, was a plain Confession of those Violations of the Government that had been set forth; so the Ineffectiveness of it was no less apparent: Because they laid down nothing which they might not take up at Pleasure; and they reserv'd entire, and not so much as mentioned, their Claims and Pretences to an Arbitrary and Despotick Power; which had been the Root of all their Oppression, and of the total Subversion of the Government. And it was plain, that there could be no Redress, no Remedy offer'd but in Parliament; by a Declaration of the Rights of the Subjects that had been invaded, and not by any pretended Acts of Grace, to which the Extremity of their Affairs had driven them. Therefore it was that their Highnesses thought fit to declare, That they would refer all to a free Assembly of the Nation, in a Lawful Parliament.

Then *Mr. Phipps* told the Lords, The Reason why they humbly offer'd that Declaration, was with relation to that Passage in the Sermon, which said that the Prince of *Orange* had disclaim'd all manner of Resistance. Whereupon they observ'd, That it did not appear that he came over with an Army with any other Intent than to defend himself against evil Counsellors: And if the Doctor had made a wrong Inference, they submitted it to their Lordships, whether such a Misapprehension of his Highness's Meaning should subject him to a Charge of High Crimes and Misdemeanors.

Mr.

Mr. Dodd added, That they had finish'd what they had to offer on that Article, and submitted it to their Lordships whether they had not made good their Defence; and were ready to go on to the Second Article, if it were their Lordships Pleasure.

Then the Lords adjourn'd to their own House.

Monday

MARCH 6th, *being the Seventh Day of the Tryal.*

Sir Simon Harcourt, *having been return'd Member of the Honourable House of Commons for* Cardigan, *Dr.* Sacheverell *was thereby deprived of his further Assistance: So that on the 6th of* March, *the other Gentlemen that were his Counsel, spoke only in his Defence.*

Mr. Dodd's Speech.

MR. *Dodd* began first, and begg'd the Favour that they might enter upon it, as to the second Article, which was divided into three Heads, 1. *That the Toleration is unreasonable, and the Allowance of it unwarrantable.* 2. *That he is a False Brother, who defends Toleration and Liberty of Conscience.* 3. *That it is the Duty of the chief Pastors to thunder out Anathema's,* &c.

As to the first Head, he said, That there is no such thing as a **Toleration** granted by Law; the Word not being to be found in the Act of Parliament; that there is an Act (which they suppose is intended) *to exempt Protestant Dissenters from the Penalties of certain Laws* therein mentioned: However in this Debate, they should take Notice of it as a *Toleration*, altho' they thought, when there is a Legal Proceeding, the Act should have been called by its own proper Name: He urg'd, That this Act of Parliament hath several Restrictions and Limitations in it, and (amongst others) not to exempt any Persons from the Penalties, that do not frequent some Religious Assembly thereby allowed; that the Doctor no where finds Fault with a *Legal Toleration*, or a *Toleration* granted by Law, within the Description and Meaning of this Act of Parliament. But on the Contrary had taken such Care, least any Expression should undergo a wrong Construction, as if he were uneasie at the Toleration, that he Explain'd himself very particularly about it, in these Words out of the Sermon; *Pray do not misunderstand me, as if I reflected upon that Indulgence the Government has given the Dissenters, which I am sure all Well-wishers to our Church are ready to grant; nor do I intend to cast the least Reflection on that Indulgence, which the Law has given to Consciences truly Scrupulous; let them enjoy it in the full Limits the Law has prescribed.* That after such a Declaration, so plain a Confession, in Words as significant as can be to shew his Meaning, they hoped there was no room to tax him with this Part of the Article by any incoherent Words, or Inferences, when it was directly contrary

to what he had in Words at length expreſs'd. That this being conſidered, they thought it was too hard to draw Inferences, and Conſequences, that the Doctor was againſt the Toleration allowed by Law; that it was not to be done with Candour, by any one that reads the Sermon without Prejudice, and conſiders the Care he takes to avoid giving any Offence in this Caſe. That as to the ſecond Part of this Article, they thought it might receive the ſame Anſwer; *That he is a Falſe Brother who Defends Toleration and Liberty of Conſcience.* That the Doctor does not ſay they are Falſe Brethren that Defend a Legal Toleration; but the Perſons intended, are thoſe that Defend an unlawful Toleration, and not a Legal Exemption, which Legal Exemption the Doctor admits to be good and juſt. in the Paſſage before repeated. That they apprehended the Doctor meant thoſe are Falſe Brethren, and blameable, that Excuſe the Separation from the Church, not on account of the Toleration, but *by laying the Faults on the true Sons of the Church, for carrying Matters too high*; theſe are the People, the Falſe Brethren, that cry out againſt the Church upon all Occaſions. That as the Doctor's Expreſſions about Arch-Biſhop *Grindall*, the Doctor thought he had good Grounds for them; but at leaſt they were but unwary Expreſſions, and not Criminal. That the *Toleration* he mention'd Arch-Biſhop *Grindall* to be blamed for, was quite another Thing from the preſent *Indulgence* now granted; that the firſt was by Queen *Elizabeth* alone, or by the Arch-Biſhop's Authority under her, and without the Parliament; the Diſſenters being then few, and it had been no great Difficulty to have prevented that Schiſm at the beginning; but that now the Diſſenters are a conſiderable Part of the Nation, have great Riches, and Properties amongſt us, and it became the Wiſdom of the Legiſlature, to give them an *Indulgence* according to the Reſtrictions in the Act of Parliament: But that this was a different Caſe, and by a different Authority, from what was in Arch-Biſhop *Grindall*'s time; that the Story of that Arch-Biſhop, as related by one of the Gentlemen Managers, did indeed acquit the Arch-Biſhop, but how far it clear'd Queen *Elizabeth*, they muſt leave to your Lordſhips; for ſhould a great Favourite attempt to procure a Grant of the Arch-Biſhop's Palace, or a chief Revenue of that See, or Church, and that the Arch-Biſhop's oppoſing the Favourite herein (as was by the Gentleman ſuggeſted) ſhould be the Reaſon of his Diſgrace; or if the Arch-Biſhop did Proſecute or Puniſh a Man in the Spiritual Court, for having two Wives at the ſame time; (which Proſecution or Puniſhment was highly commendable in the Arch-Biſhop, and was his Duty to do) it would be hard to think, that Queen *Elizabeth* ſhould Suſpend him from the Arch-Biſhop-

trick for such a Proceeding, for thus discharging his Duty, therefore they could not give Credit to that History as it was related; but they should shew their Lordships, from the Arch-Bishop's Letter to the Council, and Letters from *Beza* and *Calvin* at that time, that it was his Indulgence to the Dissenters, that drew the Anger of Queen *Elizabeth* on him. That they apprehended the Fault the Doctor finds in his Sermon is against an Universal general Toleration that tends to a Dissolution of all Things; and such a Toleration, would make Religion like that of the *Samaritans*, a mixture of all sorts, that was odious to the World, and an Abomination to the *Jews*; and such a Toleration the Doctor had great Reason to find Fault with. For such Toleration was not to be defended, nor would be of any Service to either Church or State: That this is the Toleration which they thought the Doctor intended, and not against a Legal or particular Exemption, which the Wisdom of the Nation had thought fit to give. That indeed the Doctor thought that Occasional Conformists do attempt to hoist the Toleration into an Establishment, and come into the Communion of the Church to serve a particular Purpose; which opinion, whether true or false, could not be Criminal. That to speak against a Law, or to break a Law, is not to be justified: Nor had he spoke against this Law; but if he had, surely he had been Punishable in the ordinary Methods of Justice, and not in a Proceeding of this Nature. That as to that Part of the Charge about thundering out *Anathema's*, the Discourse is general, and not determin'd to any Persons, not pointed at the Dissenters, but properly intended against Irreligion; and the Sentence that *he dares any Power on Earth to reverse*, is such, and such only, as is ratified in Heaven. That the Doctor believes some Sentences of the Church to be ratified in Heaven; and if that Sentence which is pronounced here on Earth, be ratified in Heaven, it is, beyond all Dispute, out of the Power of Man to reverse it. That he supposes some Persons exempt from Punishment by particular Laws, may yet, by the Law of Christ, be liable to such a Sentence: But from hence, or his Answer to the Articles, to draw a Conclusion, That he Asserts the State had not Power to reverse the Sentence of the Spiritual Court, (of which there can be no doubt, but that the Legislature has such a Power) or that the Legislature is guilty of Blasphemy, (as had been objected by one of the Managers) was neither true Reason nor Logick. That it would not be disputed, that Schism is a Sin punishable by the Laws of the Church, if it be a Separation without a just Cause; and how far this was such a Separation, or that the Act of Parliament had taken away this Schism, this Sin, they submitted to their Lordships.

Mr. *Phipp's* Speech.

MR. *Phipp's* ſpoke next, and began with that Part of the Second Article which ſays, *That the Doctor does Suggeſt and Maintain, that the Toleration granted by Law is unreaſonable, and the Allowance of it unwarrantable:* That he conceived there is nothing in the Doctor's Sermon can warrant that Charge. That the *Toleration Act* is not what the Doctor finds Fault with, but the Perſons that Abuſe it; which ill Uſe is *unreaſonable* and *unwarrantable.* But, that the Doctor aſſerts the Toleration it ſelf to be unreaſonable, or the Allowance of it unwarrantable, would appear to be a great Miſtake, when the Paragraphs in the Sermon, upon which this Article was founded, were conſider'd. That the firſt Paſſage was in Page the 8th, where the Doctor ſays thus: *If upon all Occaſions to comply with the Diſſenters, both in publick and private Affairs, as Perſons of tender Conſciences and Piety, to promote their Intereſt in Elections, to ſneak to them for Places and Preferment, to defend Toleration and Liberty of Conſcience, and under the Pretence of Moderation, to excuſe their Separation, and lay the Fault upon the true Sons of the Church for carrying Matters too high,* &c. That theſe are ſome of the Characters which the Doctor gives of Falſe Brethren: But, (added Mr. *Phipps*) is there any thing in this Paſſage that avers Toleration to be unreaſonable, or the Allowance of it unwarrantable? That Page the 10th, the Doctor hath theſe Words, which were urged to Prove this Article: *Our Conſtitution, both in Church and State, has been ſo admirably contrived, with that Wiſdom, Weight and Sagacity, and the Temper and Genius of each, ſo exactly Suited and Model'd, to the mutual Support and Aſſiſtance of one another, that 'tis hard to ſay, whether the Doctrines of the Church of* England *contribute more to Authorize and Enforce our Civil Laws, or our Laws to Maintain and Defend the Doctrines of our Church. The Natures of both are ſo nicely Correſpondent, and ſo happily intermixt, that 'tis almoſt impoſſible to offer a Violation to the one, without breaking in upon the Body of the other. So that in all thoſe Caſes before mentioned, whoſoever Preſumes to innovate, alter, or miſrepreſent any Point in the Articles of the Faith of our Church, ought to be Arraign'd as a Traytor to the State; Hetrodoxy in the Doctrines of the one, naturally producing, and almoſt neceſſarily inferring Rebellion and High Treaſon in the other, and conſequently a Crime that concerns the Civil Magiſtrate as much to puniſh and reſtrain as the Eccleſiaſtical.* 'Can this (ſaid Mr. *Phipps*) be meant of the Tole-
'ration? Is the Toleration ſo much as mentioned here?
'Does he not here ſpeak againſt ſuch as innovate, alter or
'miſrepreſent the Articles of our Faith? Is there any Inno-
'vation, Alteration, or Miſrepreſentation of any Article of
'our Faith by the Proteſtant Diſſenters? The Diſſenters do not
'differ from us in Matters of Faith, but in Matters of Form and
'Ceremony;

'Ceremony; if they differed from us in Matters of Faith, they 'would be Hereticks, and Hereſie was never intended to be 'Tolerated by the Act of Indulgence: And therefore what the 'Doctor ſays in this Paragraph, can never be taken to be a 'Reflection on the Toleration. That he ſhould next offer to their Lordſhips Conſideration another Clauſe, which was cited by the Gentlemen of the Houſe of Commons to ſupport this Article, which is *pag.* 14. where 'tis ſaid, *Theſe falſe Brethren in our Government, do not ſingly, and in private, ſpread their Poyſon, but (what is lamentable to be ſpoken) are ſuffer'd to combine into Bodies, and Seminaries, wherein Atheiſm, Deiſm, Tritheiſm, Socinianiſm, with all the Helliſh Principles of Fanaticiſm, Regicide and Anarchy, are openly Profeſs'd and Taught, to Corrupt and Debauch the Youth of the Nation, in all parts of it, down to Poſterity, to the preſent Reproach, and future Extirpation of our Laws, and Religion. Certainly the Toleration was never intended to indulge, and Cheriſh ſuch Monſters, and Vipers, in our Boſom, that ſcatter their Peſtilence at Noon day, and will Rend, Diſtract, and Confound, the firmeſt and beſt ſettled Conſtitution in the World.* That there is nothing in this Clauſe that can maintain this Article; and that the Doctor was well warranted in ſaying that, becauſe thoſe enormous Crimes are particularly excepted in the Act of Toleration, and for this they refer to the Act it ſelf. That the next Clauſe that was urg'd to maintain this Article is in the 16th Page, where the Doctor ſpeaks in theſe Words. *But ſince this Model of an Univerſal Liberty and Coalition fail'd, and theſe falſe Brethren could not carry the Conventicle into the Church, they are now reſolved to bring the Church into the Conventicle, which will more plauſibly and ſlily Effect her Ruin: What could not be gain'd by Comprehenſion, and Toleration, muſt be brought about by Moderation, and Occaſional Conformity; that is, what they could not do by open Violence, they will not fail by ſecret Treachery to accompliſh. If the Church can't be pull'd down, it may be blown up; and no matter with theſe Men how 'tis Deſtroy'd, ſo that it is Deſtroy'd.* That this did not ſuggeſt the Toleration to be Unreaſonable, or the Allowance of it Unwarrantable: That it rather excuſed it from having hurt the Church: For he ſays, *What could not be gain'd by Toleration, muſt be brought about by Moderation, and Occaſional Conformity*; ſo that the Injury which is done to the Church is aſcribed by him to ſome other Cauſe. That thus their Lordſhips might obſerve there was not any Paſſage in the Doctor's Sermon, whereby he Suggeſts, that the Toleration granted by Law is Unreaſonable, or the Allowance of it Unwarrantable, and conſequently no Foundation for this Article, unleſs it was to be ſupported by Inferences contrary to the Doctor's expreſs Words; for the Doctor in his Sermon, *pag.* 20. ſays, *I would*

not here be understood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give them, which I am sure all those that wish well to our Church are very ready to grant to Consciences truly scrupulous; let them enjoy it in the full Limits the Law has prescrib'd: By which 'twas evident, he allow'd the Indulgence given by the Act to Dissenters, and was very far from suggesting, that it is unreasonable, or the Allowance of it unwarrantable. That he wished with all his Heart they may enjoy it in the full Limits of the Law: And therefore if there be any other Expressions concerning Toleration which may seem to carry a dubious Sense, 'twas conceiv'd they ought not to be apply'd to the Exemption granted by Law, but would be so Interpreted as might consist with his avowed Approbation of that Law. That in all Writings such Exposition is to be made, that one part may not contradict or be inconsistent with the other: But to strain the Sense of any ambiguous Clause, and to put such a Construction upon it as to make it contradict a plain and positive Assertion in the same Writing, was never allow'd, and he was sure would not be permitted by their Lordships, who had shew'd such a just Abhorrence of strain'd and Forreign Insinuations and *Innuendo's*.

That by condemning such as defend Toleration, 'tis evident, the Doctor meant such as maintain, that the Act of Indulgence is a Justification of their Separation, and excuseth them from the Sin of Schism; For the Defence of Toleration, and Excuse of Separation, are mentioned in one and the same Clause of the Sentence, and in one and the same Branch of their Character of false Brethren. So that the True and Genuine Sense of what he had said in his Sermon concerning Toleration was. 1. That he intirely approved of the Exemption, by the Act of Indulgence of Protestant Dissenters from the several Penalties inflicted by the several Statutes for their Non-conformity. 2. That tho' they are exempt from the Penalties, yet that does not excuse their Separation from the Sin of Schism in *foro Conscientiæ*; that the Doctor was not alone in this Notion, but was justified in it by the Opinion of many Learned Men, who had writ on that Subject; which was the concurrent Opinion of the greatest part, if not all the Learned Men of our Church at this Day. That since the Act of Uniformity was in force, and was not repeal'd or enervated by the Act of Indulgence, since the Doctrine and Worship of the Church of *England* was the Establish'd Religion of this Kingdom, 'twas humbly submitted, whether a Separation from the Church, since the Act of Indulgence, was not as much a Schism in *foro Conscientiæ*, as it was before? That supposing that Separation from the Church by Dissenters, since the Act of Indulgence, should not be thought a Schism, yet the Doctor having the Opini-

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en of so many Learned Men of his side, his Assertion could not be said to be Wicked, Malicious and Seditious, nor to be so high a Crime and Misdemeanour, as to be the subject Matter of an Impeachment. That the Passages in the Doctor's Sermon, which were supposed to condemn the Toleration, or to reflect on the Dissenters, were open to another plain and natural Construction, For since he positively, and in express Terms, allow'd Liberty of Conscience to Consciences truly scrupulous, and which are intituled to the Benefit of the Act: Where he condemns or speaks against Toleration, it must be intended as to such Dissenters who are not Intituled to the Benefit of the Act, but are excepted out of it; And those are such as by Printing or Writing deny the *Trinity*, such as do not come to some Assembly of Religious Worship allowed by that Act; and no Assembly of Religious Worship is allow'd by that Act till the Place of meeting be certified to the Bishop, Arch-Deacon, or Justices at the Quarter-Sessions, and Recorded, and a Certificate thereof given: That Multitudes frequent religious Assemblies which are not allowed by that Act. That few religious Assemblies are qualified according to the Act. That vast Numbers go to no religious Worship at all. That many deny the Second Person of the Trinity, was too too evident: And against every one of these, all the Laws for frequenting Divine Service on the Lord's-Day were still in Force by the express Words of that Act. That therefore all those who defend a general Toleration, who maintain that the Act extends to all such Dissenters, are justly Censur'd by the Doctor; and all the Expressions in his Sermon against Toleration must be intended against those excepted in the Act, since he so expresly approves the Indulgence allow'd to those that conform to the Terms prescribed by the Act.

That, As to that Branch of this Second Article which charges the Doctor with Asserting, *That Queen* Elizabeth *was deluded by Arch-Bishop* Grindall *to the Toleration of the* Genevian *Discipline*; whether he was warranted in this Assertion, was humbly submitted to your Lordships, when 'twas consider'd, That Arch-Bishop was once in the highest Esteem with the Queen, She made him Bishop of *London*, then Arch-Bishop of *York*, and afterwards promoted him to the See of *Canterbury*; and that after this he was in Disgrace, and died in Her Majesty's Displeasure, could not be deny'd. That the Reason assign'd for his Disgrace was, That he was a great Encourager of unlawful Conventicles, or Prophesyings, as they were then call'd; but whether that Charge against him was true, or whether it was only a false Suggestion of the Earl of *Leicester*, to remove him from the Queen's Favour, Mr. *Phipps* would not presume to determine. That the

Learned Manager who ſpoke firſt to this Article, was pleaſed to acquit the Arch-Biſhop, and lay the Fault upon the Queen; tho', whoever reads *Calvin*'s and *Beza*'s Letters to him when Biſhop of *London*, Queen *Elizabeth*'s Letter to the Biſhops, dated the 3d of *May*, 1577, and the Arch-Biſhop's own Letter to the Lords of the Council the 25th of *November*, 1577, will be fully ſatisfied that he was not Innocent; for he confeſſes he was commanded by the Queen and Council to ſuppreſs the Propheſyings, and that he refuſed and could not comply with that Command; and acknowledged it to be an Act of great Clemency in Her Majeſty, that She carried Her Reſentment no higher. So, that pious good Queen is entirely acquitted by the Arch-Biſhop himſelf. That all Hiſtorians admit, that in his Time the Puritans were very numerous, and their Party very ſtrong; and it is evident they grew ſo dangerous, that the Statute of the 35th of *Elizabeth* was made to ſuppreſs their Conventicles, and compel them to come to Church. That at his Death the Affairs of the Church were in ſo great a Confuſion, that his Succeſſor, Arch Biſhop *Whitgift*, was put to great Trouble to check that growing Faction, and reduce Things into good Order again: If therefore the Doctor was of Opinion the Puritans receiv'd too great Encouragement by the Countenance of that great Man, and if it was his Zeal for the Church, and the Reſentment he had that it ſhould receive any Prejudice by the Connivance of one at the Head of it, that provoked him to uſe a harſh Expreſſion of that Arch-Biſhop, 'twas humbly to be hop'd that was not a ſufficient Ground for an Impeachment of High Crimes and Miſdemeanors. That the Gentleman that ſpoke firſt to this Article, was pleas'd to admit that what the Doctor ſaid in relation to the Arch-Biſhop, was not an Offence, as it was a Reflection on that Arch-Biſhop: But that uſing ſuch Expreſſions of the Arch-Biſhop for his Moderation to the *Puritans*, was a Reflection on the late Act of Toleration granted to Proteſtant Diſſenters; and that calling the Proſecutions againſt the Propheſyings in Queen *Elizabeth*'s Time, *Wholeſome Severities*, was an Encouragement to uſe ſuch Severities againſt the Proteſtant Diſſenters now. Can, (ſaid Mr. *Phipps*,) what was done in Queen *Elizabeth*'s Time reflect on the Toleration? Can calling the Proſecutions by Queen *Elizabeth*, againſt ſuch as frequented Conventicles againſt the Law, and for which there was no Toleration, *Wholeſome Severities*, reflect on this Toleration granted by Law? Or can it encourage a Proſecution againſt the Diſſenters, who are intitled to the Benefit of the Toleration, and are Exempt from the Penalties of the Laws? He urged, That the only thing that could be inferr'd from what the Doctor ſays, in relation to the *Wholeſome Severities* was,

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That he intended to excite the Magiſtrates to put the Laws in Execution againſt ſuch Diſſenters as were excepted out of the Act of Toleration; and Mr. *Phipps* was at a Loſs to find how that could make him an Offender: For ſurely the Parliament never intended that any Perſon ſhould have the Benefit of the Act of Toleration, that did not comply with the Terms and Conditions of it: And therefore when the Doctor preſſeth the Execution of the Laws againſt ſuch as are not entitled to the Benefit of the Act, he ſeem'd rather to Vindicate than Reflect upon the Toleration. That great Offence had been taken at the Words *Wholeſome Severities* in the Doctor's Sermon; yet, Mr. *Phipps* could not think the Word *Wholeſome* an improper Epithet for the Severities uſed by Queen *Elizabeth* againſt the Puritans; for Faction was then in its Infancy, Schiſm did but juſt begin to diſturb the Church; and by the Severities of the Laws that were put in Execution, and the Courage, Learning, and Prudence of Arch-Biſhop *Whitgift*, a Stop was put to them. That, ſuch Severities as ſuppreſs'd theſe bold and daring Crimes in their Infancy, might be called *Wholeſome* without a *Catachreſis*; and could never be conſtrued to be a Suggeſtion, that the Toleration now granted by Law is *unreaſonable*, or the Allowance of it *unwarrantable*.

That as to that part of the Second Article, which chargeth the Doctor with maintaining, *That it is the Duty of Superior Paſtors to thunder out their Eccleſiaſtical Anathema's againſt Perſons intituled to the benefit of the Toleration:* The Doctor apprehended there was nothing in his Sermon could be a juſt Foundation for that Charge. That the Sermon hath this Sentence, *Page* 25. *Let our Superior Paſtors do their Duty, in thundering out their Eccleſiaſtical Anathema's; and let any Power on Earth have reverſe a Sentence ratified in Heaven.* That this is an intire and independant Sentence, that doth not relate to any particular Perſon, or any particular Crimes, and does not mention the Perſons intituled to the benefit of the Toleration: Nor could it be imagin'd that he ſhould deſire *Anathema's* to be thunder'd out againſt ſuch Perſons, who he wiſhed might enjoy the Toleration in the full Limits the Law had preſcrib'd; but the *Anathema's* muſt be intended to be againſt the works of Darkneſs, Atheiſm, Prophaneneſs, Faction, and other enormous Crimes which were mention'd in the preceding part of his Sermon, ſince it was not apply'd by him to any particular Sins or Offences. That the thundering *Anathema's* is declaring thoſe Judgments which are denounced in Scripture againſt Sin. And the Doctor deſired the Superior Paſtors of the Church to thunder out theſe *Anathema's*, becauſe the greater the Authority is of the Perſon that declares theſe Judgments, the greater Influence they

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are like to have upon the Persons guilty of such Sins. But if he had desir'd *Anathema's*, or *Excommunications*, (as they would infer) should be Thunder'd out against Dissenters, yet it must be intended only against such as were not intituled to the benefit of the Toleration; and since the Act of Indulgence left such Persons open to the Laws, it could not be a Crime in the Doctor to press the Execution of the Laws against them. For not to accept of the Toleration on the Terms offer'd by the Act, was what the Doctor calls *hoisting the Toleration into an Establishment*, in despite of the Act, and setting up a Toleration of their own in Defiance of it.

That as to the last part of the Second Article, which Charges, that the Doctor *insolently dares and defies any Power on Earth to reverse such Sentences*, which Sentences were there insinuated to be the Sentences, or *Anathema's*, given and thundered out by Superior Pastors; there were no such Words in the Doctor's Sermon: For, the Doctor's Words were, *Let any Power on Earth dare reverse a Sentence Ratified in Heaven*: So that the bare Recital of the Doctor's Expression was a sufficient Confutation of that part of the Article. For if the Judgments, or *Anathema's*, denounc'd by Superior Pastors against Sin were such as are Denounc'd against such Sins in Scripture, such Sentences might truly be said to be ratified in Heaven: And if so, then no one could dare to think, that such Sentences, so ratified in Heaven, can be revers'd by all the Powers on Earth united together. And therefore, the Doctor hoped it would not be thought Insolence, or a High Crime or Misdemeanor in him, to Assert what he conceiv'd would be Blasphemy in any one to deny.

Mr. Dee's Speech. MR. *Dee* begg'd next the Favour of a few Words on this Article, which he said was divided into three Parts: The first was, That the Doctor reflected on the Toleration as it is Establish'd by Law. He took Notice, that on considering the whole Sermon, there were two distinct Tolerations mentioned in it; a *Toleration* that is Legal, (for so Mr. *Dee* call'd the Act of Indulgence) and a Toleration that is general; and they thought that Distinction, well observed, would clear the Doctor of any Crime in this particular. That where he reflects on Toleration, it is not the *Legal Toleration*, but the general; and if it would bear this Construction, their Lordships would not put the other upon it; for where he had taken Notice of a Legal Toleration, (which he hath done only in one place of his Sermon) he was for extending it to the utmost Bounds; his Words being these, *I would not be here misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government hath condescended to give them, which I am sure all those that wish well*

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to our Church are very ready to grant to Consciences truly Scrupulous; let them enjoy it in the full Limits the Law hath prescribed. But, where he spoke against Toleration, 'twas a Toleration of such enormous Crimes, as were not fit to be tolerated in any Christian Nation.

That as to the Second Part of the Article, for reflecting on Arch-Bishop *Grindall*, and thereby reflecting on the Toleration, it was given up on the other Side; and admitted, that, whether True or False, it was not Material, and then that would hardly amount to a Crime. But that they should be so far from giving up that Point, that they should shew he was False to the Church at that Time; and it was a Crime in him to give up the Discipline of the Church. That no Laws were then made to Indulge any Separation: And for the Head of the Church, under the Queen, to give up the Discipline of the Church, was an high Crime in him; and tho' it might be thought harsh, would bear the true Term of a *False Brother*.

That as to the Third Part of the Article, the thundering out *Anathema's*, Mr. *Dee* begg'd leave to read that part of the Doctor's Sermon, which, he hoped should not be applied to those that are within the Legal Toleration: *Schism and Faction are Things of impudent and incroaching Natures, they thrive upon Concessions, take Permission for Power, and advance a Toleration immediately into an Establishment*: (He hoped the Dissenters would not take these Characters on themselves:) *And are therefore to be treated like growing Mischiefs, or infectious Plagues*, &c. Presently after follows, *Let our Superior Pastors do their Duty, in thundering out their Ecclesiastical Anathema's; and let any Power on Earth dare reverse a Sentence ratified in Heaven.* That this was only Advice, and altho' the Doctor might be accounted pretty *Pert*, to give Advice to his Superior Pastors, that they ought to thunder out *Anathema's*; yet this could not be Construed to extend to them that are described in the Act of Toleration, those that could not Conform to some Ceremonials by reason of Scrupulous Consciences, these could not be called *Factious*, but was meant of other People described in the Sermon. But if the Doctor had advised to thunder out *Anathema's* against Dissenters; (supposing, but not granting it) the Question would come to this Point, Whether he was deceived in Point of Judgment or no: For, if they were Schismaticks before, the Schism remains the same, notwithstanding the Toleration; and if it was Sin before the Act of Toleration, it is so still, notwithstanding the Act; and then his Advice to the Superior Pastors, is to do that which is, (with Submission) their Duty to do, 'till prohibited by the Temporal Courts. That he should mention one Case, that would shew you, that it is

still

ſtill Schiſm to ſeparate from the Church, and that it is the Duty of Diſſenters to Communicate with the Church: Which was the Caſe of one Mr. *Larwood*: In *Hilary Term*, *ſexto* of King *William*. 'An Information was exhibited a-'gainſt him, for refuſing to take upon him the Office of 'Sheriff of the City of *Norwich*; he Pleaded he had not ta-'ken the Sacrament in twelve Months; the Attorney replied, 'that he ought to have done it. He rejoin'd, that he was 'a Proteſtant Diſſenter, and was excuſed by the Act for 'Toleration. There were two Points in the Caſe; the firſt 'was, whether it appeared by the Information that the De-'fendant was duly Elected; the other, whether the Plea in 'Bar was good, (for the whole Court held that the Rejoin-'der was a departure from the Bar, and that the Replication 'was inſufficient;) ſo that Judgment was to be given upon 'the Information, and the Plea in Bar. *Samuel Eyre*, Juſtice, 'was of Opinion with the Defendant as to both Points; 'my Lord Chief Juſtice *Holt*, and Mr. Juſtice *Giles Eyre*, 'were of Opinion againſt him as to both Points, and held 'the Bar to be inſufficient, becauſe it was only excuſing of 'one Fault by another, which no Man ſhall be admitted to 'do; and they held, that the Duty of Communicating with 'the Church remained not withſtanding the Act of Toleration: And ſo Mr. *Dee* ſubmitted it to their Lordſhips Conſidera-tion, whether if it be a Duty to Communicate with the Church of *England*, it be not Schiſm to ſeparate from it.

Dr. Henchman's *Speech.*

DR. *Henchman* ſpoke next in the Doctor's Behalf, againſt the Charge contain'd in the ſecond Article of Impeachment, in the two firſt Clauſes of which he is ſaid *To ſuggeſt and maintain, That the Toleration granted by Law is unreaſonable, and the Allowance of it unwarrantable: And to aſſert, That he is a Falſe Brother, with Relation to God, Religion, and the Church, who defends Toleration and Liberty of Conſcience.* He urg'd, that it had not been ſaid by any of the Learned Managers on this Head, that either of theſe two Branches of this Article were expreſly delivered in any part of the Sermon preach'd at St. *Paul's*; but what was no where affirm'd, was ſaid to be ſuggeſted; and that this Charge was maintain'd by Inferences only, becauſe there was no plain poſitive Propoſition that it could be ſupported by. That 'twas humbly hop'd, That if an Inference might be allow'd as Proof to accuſe him, an open Declaration would be heard in his Defence: That if what another Man makes him ſay, be thought Ground enough for an Accuſation, then certainly what he himſelf openly declar'd would be eſteem'd ſomething more than a dry Caution, and have its due Weight with their Lordſhips in his Vindi-

cation.

cation. That therefore he begg'd Leave to read a paſſage where he explain'd himſelf, and plainly declar'd what his Thoughts were concerning the Indulgence granted by Law: That this Paſſage was in the twentieth Page, where ſpeaking of ſome wholeſome Severities us'd in former Reigns, he adds, *I would not here be miſunderſtood, as if I intended to caſt the leaſt invidious Reflection upon that Indulgence the Government has condeſcended to give them; which I am ſure all thoſe that wiſh well to our Church are very ready to grant to Conſciences truly ſcrupulous; let 'em enjoy it in the full Limits the Law has preſcrib'd.*

That theſe Words were plain and expreſs, and not capable of being miſconſtrued or miſunderſtood. That whether thoſe Learned Gentlemen, who had applied ſome Parts of this Sermon to Purpoſes directly oppoſite to this plain Declaration, had miſunderſtood or miſconſtrued thoſe Paſſages, muſt be ſubmitted to their Lordſhip's Judgment; but it ſeem'd hardly reconcileable that the ſame Perſon in the ſame Diſcourſe ſhould declare, *That all who wiſh well to the Church are ready to grant Indulgence to Conſciences truly ſcrupulous*, and at the ſame time maintain, That ſuch *Toleration* is *unreaſonable*, and the *Allowance* of it *unwarrantable*; that he ſhould deſire it may be enjoy'd in it's full Latitude, and yet aſſert that he is a falſe Brother that defends it. That this ſeeming Difficulty would be eaſily reconcil'd, by conſidering who thoſe Perſons are who are deſign'd to be eas'd by the Act of Exemption, and who the *Falſe Brethren* are, deſcrib'd by Doctor *Sacheverell* in this Sermon. That that Act, in the Preamble, is ſaid to be intended, Firſt, *For the Eaſe of ſcrupulous Conſciences*; one Sett of the *Falſe Brethren*, mention'd in the Sermon, are *Men of no Conſcience at all*; whether *Diſſenters*, or ſuch as profeſs themſelves with Zeal to be of the Eſtabliſh'd Church, but yet break her Communion by not obeying her Precepts. Secondly, That Act was intended for ſuch only as qualifie themſelves, according to the Directions laid down in that Act; the *Falſe Brethren* which the Doctor every where ſpeaks of are ſuch, and ſuch only, as neither qualifie themſelves according to that Act, nor think themſelves ſubject to the Penalties of former Acts. Thirdly, This Act was intended in favour of ſuch as either ſubſcribe the Articles of Religion, excepting only the thirty fourth, thirty fifth and thirty ſixth, ſome part of the twentieth, and that part of the twenty ſeventh which relates to Infant-Baptiſm; or elſe for ſuch as ſubſcribe a Profeſſion of their Chriſtian Belief in theſe Words; *I profeſs Faith in God the Father, and in Jeſus Chriſt his Eternal Son the true God, and in the Holy Spirit, one God bleſſed for evermore; and do acknowledge the Holy Scriptures of the Old and New Teſtament to be given by Divine Inſpiration.*

That

That on the other hand, the False Brethren describ'd by Doctor *Sacheverell*, viz. *Atheists, Deists, Fritheists, Socinians, Revilers of the Holy Scripture*, and such like. 'Are not Men 'of these Opinions (added Dr. *Henchman*) *False Brethren* with 'Relation to God and Religion? Or shall such Men be suf-'fer'd to cover themselves under the Protection of an Act of 'Parliament, design'd only for the Ease of scrupulous Con-'sciences? That there are Men amongst us of these Principles 'will be but too visible, from a Passage or two, which I beg 'leave to lay before your Lordships from Books lately Pub-'lished. The first which I shall mention is Intitled, *A brief but clear Confutation of the Trinity*: If the Title it self has not given too much Offence to your Lordships, I shall pro-ceed to look into the Book it self; and in the ninth Page there is this Proposition laid down, *The Divinity attributed to the Son and Holy Ghost is Unscriptural and Idolatrous*; and in Page the tenth he goes on in these Words, *This one Funda-mental False Principle, as well with Jews and Turks, as Heathens, has done more Mischief to Christianity than all other Errors besides.* That there were such bare-fac'd Blasphemies as must make every Man's Ears tingle that hears them, and the Respect which was due to their Lordships, and that Assembly, made him forbear instancing any thing more from this Author, who did not stand alone; but out of many more of the like sort, he should mention only a Book, Intitled, *The Rights of the Christian Church*; wherein the Author, in Page 108, lays down this Doctrine. *Among Christians one no more than another can be reckon'd a Priest.* And a little after, *The Clerk has as good a Title to the Priesthood as the Parson.* He urged that these two Men strike off our whole Religion at once; that the Funda-mental Doctrine of our Faith was destroy'd by the first of 'em, and the Ministers, who were to support and defend that Do-ctrine, were set aside by the other. 'If these, *said he*, and 'such like Opinions have any where prevail'd, is it not high 'time that some wholsome Severities were us'd to stop the 'growing Contagion? Or, if the Superior Pastors of the 'Church should thunder out their Ecclesiastical *Anathema's* 'against the Authors and Abettors of such horrible Blasphe-'mies, by what Construction can this be said to be done a-'gainst Persons intitled to the Benefit of the Toleration?

That there was one Passage in this Sermon, which had been urg'd by the Learned Manager on this Head with more than ordinary Force, and as a direct Breach and Insult upon the Toleration; which he should endeavour to set in a true Light. That it was in the eighth Page, in these words; *Should any one, out of Ignorance, or Prejudice to the ancient Rights and essential Constitution of the Catholick Church, affirm, that the Divine Apostolical Institution of Episcopacy is a Noval*

Doctrine,

Doctrine, not sufficiently warranted by Scripture, and that it is indifferent, whether the Church be Govern'd by Bishops or Presbyters; is not such an one an Apostate from his own Orders? That it was said, that all those Dissenters who do not acknowledge the Divine Right of Episcopacy, and are therefore specially exempted by the Act of Indulgence from Subscribing some of the Articles of Religion, and who are immediately under the Protection of that Act, are yet, in the End of this Paragraph, charg'd with being *False Brethren*, where he Prays, That *God would deliver us all from such False Brethren.* But that it was plain, that these Words were not meant, nor could be construed, generally of Dissenters, who deny the Divine Institution of Episcopacy, but were intended peculiarly of such Persons as had themselves been Episcopally ordain'd; that the first of these cannot be said to be Apostates from that Doctrine which they never Own'd, nor Subscrib'd to; but the latter, who could not be admitted to their Orders, 'till they had Subscrib'd the receiv'd Doctrine of our Church, were the only Persons who could be said to be Apostates from their own Orders, if they deny'd that Divine Institution, by which they themselves had been Ordain'd, and consequently, the only Persons that were intended in this Passage, and term'd *False Brethren.* That he should not presume to say, what the Duty of the Superior Pastors of the Church is, when our Religion and Discipline is invaded by *Atheists* and *Schismaticks*, much less to Determine what Sentences justly pass'd by them on Earth, may be ratified in Heaven: That thus much he hoped he might say without Offence, That the Spiritual Power of Church-Pastors is not deriv'd from the Civil Magistrate, but from God; that one Branch of that Power, is the censuring of Notorious Offenders, and excluding them from the Communion of the Church; and that this has in all Ages, in Fact, and of Right too, been exercis'd by the Pastors of the Church, by Permission of the Civil Magistrate. That the Learned Bench of Bishops well knew, That before the Civil Magistrate did imbrace the Christian Religion, the Pastors of the Church did inflict Spiritual Censures on Offenders, for doing such Things as the Imperial Edicts did not only Permit, but Command; and this Power, of inflicting Censures on Persons exempted from Punishment by the Laws of the Land, had been always challeng'd, and is now exercis'd by the Reform'd Churches abroad; and by the Rubrick of our own Liturgy, open and notorious Evil Livers are to be repell'd from the Lord's Table, until they have openly declar'd their Repentance and Amendment.

That they were told by the Learned Manager, *That in case any Ecclesiastical Judge should inflict an Illegal Censure of Excommunication, the Temporal Courts may, and would soon give Relief,*

by sending forth a Prohibition. But that their Lordships would consider, that there is a wide and manifest Difference betwixt an *Excommunication* founded upon a Prosecution in the Ecclesiastical Courts, and the pronouncing Censures purely Spiritual: That the external coercive Jurisdiction of Ecclesiastical Courts being deriv'd from the Laws of the Land, may, and is frequently by those Laws restrain'd; but such Restraint does not hinder the Pastors of the Church from exercising the Spiritual Power of the Keys, *which they derive not from the Laws of the Land, but from the Institution of Christ*; and therefore tho' it be provided in the Act of Exemption, that Persons taking the Oaths, and making the Declaration in that Act mention'd, shall not be Prosecuted in any Ecclesiastical Court for not Conforming to the Church of *England*, yet it is not by that Act express'd or intended that *Nonconformity* to the Establish'd Church should no longer be look'd upon as Schism, or that Separatists may not, by the Pastors of the Church, be pronounc'd Schismatical. That if Separatists from the Church of *England* were guilty of Schism before the Act of Exemption, they are as much guilty of it since; the Laws of the Land which require Conformity being not by that Act repeal'd, tho' the Transgressors of those Laws are releas'd from those Pains and Penalties to which they were before obnoxious: But were the Laws of the Land which require Conformity to the Church of *England* expresly or virtually repeal'd, yet whilst the Laws of God requiring Church Unity, and forbidding Schism, are uncancell'd and remain in their full force, those who make causeless and unnecessary Divisions are still guilty of Schism, and may by the Pastors of the Church be Censur'd as such.

That he should add but one word in relation to Archbishop *Grindall*, not to disturb his Ashes, or blacken his Character, but to vindicate the Memory of that glorious Queen under whose Displeasure he dyed. That it was said, that the true Ground of that Prelate's Suspension, was partly because he would not give up his Manor of *Lambeth* to the Earl of *Leicester*; and partly because he had Censur'd one *Julio* an *Italian* for an illegal Marriage. That had these been the known Reasons of his Suspension, he would have had just Cause to have complain'd loudly of that Censure; but that without entring into the secret History of that Reign, he (Dr. *Henchman*) would put the whole matter upon that Archbishop's own Sentiments, both as to the Cause of his Suspension, and the Justice of it. That by the Account yet extant under his own Hand it appears, there were in those days Men of a Fanatical Spirit that call'd themselves *Prophesiers*; that that Archbishop had been order'd by the Queen and Council to suppress such Exercises within his Province, as contrary to the Laws

of

of the Land, and the Eſtabliſh'd Diſcipline of the Church; but this Archbiſhop thought fit not only to delay, but abſolutely to refuſe to join in ſuppreſſing thoſe Exerciſes, and for this Diſobedience to the lawful Commands of his Sovereign, he was ſuſpended. That his own Words which he uſes upon this occaſion are very remarkable, when he applies to the Council to intercede with Her Majeſty to be reſtor'd to Her Gracious Favour, viz.

And whereas I have ſuſtain'd the Reſtraint of my Liberty, and the Sequeſtration of my Juriſdiction, now by the ſpace of ſix Months; I am ſo far from repining thereat, or thinking my ſelf injuriouſly or hardly dealt withal therein at Her Majeſty's Hands, that I do thankfully imbrace, and frankly with all Humility acknowledge, Her Princely and Gracious Care and Clemency towards me, who having Authority and Power to have us'd greater and ſharper Severity againſt me, and for good Policy and Example thinking it ſo expedient, hath notwithſtanding dealt ſo mercifully, mildly and gently with me.

Concluding, that in this Letter that Archbiſhop frankly acknowledged that he had given Offence, and was for good Policy and Example juſtly puniſh'd by Her Majeſty; but had it been known that he was Suſpended for not tamely parting with the Revenues of his See, or for pronouncing Sentence in a Court of Juſtice againſt an unlawful Marriage, there could have been no reaſon for him to have acknowledg'd the Juſtice of his Suſpenſion; neither could it be for good Policy and Example expedient, that he ſhould be puniſh'd for not alienating the Revenues of his Church, or for not prohouncing *Julio*'s Marriage with another Man's Wife lawful.

Dr. *Henchman* having done ſpeaking, Mr. *Dodd* ſaid, they ſhould ſpend little of their Lordſhips time in reading to this Head; that they ſhould only read the Toleration Act, to ſhow the Exception in it; and offer the Archbiſhop's Letter to the Council; and the Queen's Letter to the Biſhops: That they had the Letters of *Calvin* and *Beza*, but he believed they ſhould not have occaſion to read them.

Then the Clerk read the *Toleration Act*, Anno Primo Gulielmi & Mariæ. *An Act for Exempting their Majeſties Proteſtant Subjects, Diſſenting from the Church of* England, *from the Penalties of certain Laws*, &c.

Which being over, Mr. *Dodd* ſaid, the next was the Queen's Letter to the Biſhops, which they had from the *Cotton* Library; and a Perſon there preſent, that had the Cuſtody of it, would prove it a true Copy. Then Mr. *Rawlinſon* being ſworn, and ask'd by Mr. *Dodd*, whether he believ'd it to be a true Copy, he anſwer'd in the Affirmative: After which the Clerk read;

A Letter from the Quenes Majeſty, ſent to the Buſhoppi through England, *for the ſupplinge of the Exerciſe called Prophecyeing:*

Cotton *Library*, Cleopatra, *F.* 2. *Fol.*287,288,289.

'RIGHT Reverend Father in God, we greete you well; We hear to 'our great Griefe, that in ſundry Parts of 'our Realme, there are no ſmall Numbers 'of Perſons preſuming to be Teachers and 'Preachers of the Church, though nether lafulie thereunto 'called, no yet for the ſame, which contrary to our Laws 'eſtabliſhed for the Publique Devine Service of Almighty 'God, and the Adminiſtration of his Holie Sacrement with-'in this Church of *England*, do dailie demiſe, imagine, pro-'pound and put in execution ſundrie new Rites and Formes 'in the Church, as well by their preaching, readings, and 'miniſtring the Sacraments, as well by procureing unlawful 'Aſſemblies of a great Number of our People out of either 'their ordinary Pariſhes, and from Place far diſtant; and that 'alſo of ſome of good-will, calling (though therein not well 'adviſed) to be Hearers of their Diſputations, and new de-'viſed Opinions upon points of Devinities, farre and unmeete 'of unlarge People; which manner of Invaſions they in ſome 'places call Prophefiings, and in ſome other places Exerciſes. 'By which manner of Aſſemblies, great Numbers of our Peo-'ple, eſpecially the vulgar ſort, meete to be otherwiſe occu-'pied with honeſt Labour for there Labour for there Livinge, 'are brought to Idleneſs, and ſeduced, and in a manner ſchiſ-'matically devided amongſt themſelves into varietie of dann-'grous Opinions, not only in Towns and Pariſhes, but even 'in ſome Families; and manifeſtly thereby incorraged to the 'Violation of our Laws, and to the Breach of common Or-'der, and finalie to the Offence of all our quiett Subjects 'that deſire to ſerver God according to the uniforme Orders 'off eſtabliſhed in the Church, whereof the Sequele cannot 'be but over-dangerous to be ſuffered. Wherefore, conſide-'ring it ſhould be the Duty of the Buſhopps, being the prin-'cipal ordinary Officers in the Church of God, as you are 'once, to ſee this Diſhoners againſt the Honor of God, and 'the Quietneſs of the Church reformed: And that we ſee 'that by the Increaſe of theſe, through Sufferance, greate 'danngor may enſue even to the decay of the Criſtianne Faith, 'whereof we are by God appointed the Defendor; beſides 'the other Inconveniences, to the diſturbance of our peace-'able Government. We therefore, according to Authoritie

'we

‘ we have, do Charge and Commaund you, as the Bushopp of
‘ that Dyocesse, with all manner of Diligence, to take Or-
‘ der through your Diocesse, as well in places Exempt as
‘ otherwise, that no manner of Publique and Devine Service,
‘ nor other Form of th' administration of the Holy Sacra-
‘ ments, nor any other Rightes or Ceremonies be in any sort
‘ used in the Church, but directlie according to the Orders
‘ established by our Laws. Nether that any maner of Per-
‘ son be suffred within your Diocesse to preach, teach, read, or
‘ ani exercise any Function in the Church, but such as shall
‘ be lawfully Approved and Licensed, as Persons able for their
‘ Knowledge, and conformable to the Ministrie in the Rites
‘ and Ceremonies of the Church of *England*. And where there
‘ shall not be sufficient able Persons for Learning in any Cures
‘ to preach or instruct their Cures as were requiset, there shall
‘ you lymitte the Curates to read the publique Homlines ac-
‘ cording to the Injunctions heretofore by us given for like
‘ Causes; and furthermore considering, for the great Abuse
‘ that have byn in sundrie Places of our Realme, by reason
‘ of our forsaid Assemblies called Exercises, and for that the
‘ same are not, nor have not been Appointed nor Warranted
‘ by us or by our Laws, we Will and straightlie Charge you,
‘ that you do charge the same forthwith to cease, and not to
‘ be used; but if any shall attempt or continew or renew the
‘ same, we will you not onlie to committe thereunto Prison,
‘ as Maynteyners of Disorders, but also to Advertise us or
‘ our Counsaille of the Names and Qualities of them, and of
‘ their Mayntainers and Abettors, that theupon for better
‘ Example their Punishment may be more sharp for their Re-
‘ formation: And in these things we charge you to be so
‘ careful and villiant, as by your Negligence if we should
‘ hear of any Person attempting to send in the Premisses with-
‘ out your Correccion or Information to us, we be not forced
‘ to make some Example or Reformation of you, according to
‘ your Deserts. *Given under our Signet at our Manor of* Green-
‘ wich, *the 7th of* May, 1577.

Then Mr. *Phipps* obiery'd to their Lordships, that this is a Letter from Queen *Elizabeth* to the Bishops, taking Notice of the Danger that might arise from the Propheſyings, and directs them to take care to suppress those unlawful Assemblies; and now they would read to their Lordships the Letter from the Archbishop to the Council, wherein he tells them that he could not comply with Her Majesty's Command.

Clerk reads.] *To the Lords of the Privy Council.*

‘ RIGHT Honorable and my singuler good Lords, I
cannot deny but that I have been commanded both

‘ by the Quenes Majeſtie her ſelf, and alſo by divers of your
‘ Honorable Lordſhips in Her Name, to ſuppreſſe all thoſe
‘ Exerciſes within my Province, that are commonly called
‘ Propheſies; but I do proteſt before God, the Judge of all
‘ Hartes, that I did not of any Stubberneſs or Wilfulneſs re-
‘ fuſe to Accompliſh the ſame, but onlye upon Conſcience;
‘ for that I found ſuch kind of Exerciſe ſet down in the Ho-
‘ lie Scriptures, and the uſe of the ſame to have contynued in
‘ the Primitive Church, and was perſwaded that (the Abuſes
‘ being reformed which I always offered my ſelf ready to La-
‘ bour in) the ſaid Exerciſe might yet ſerve to the great Prof-
‘ fitt of the Church, and feared that the utter ſuppreſſing of
‘ them would bread Offence, and therefore was a moſt humble
‘ Suter unto Her Majeſtie, that I might not be made the
‘ cheife Inſtrument in ſuppeſſing the ſame: Yet not prejudi-
‘ cing or condemning any that in reſpect of Pollicie or other-
‘ wiſe ſhould be of contrary Judgment, or being of Authori-
‘ ty, ſhould ſuppreſs them: For I know right well, that
‘ there be ſome things of that Nature, wherein diverſe Men
‘ maye be of diverſe Opinions, and abownd in their owne
‘ Senſe (being not repugnant to the Analogie of Faithe)
‘ without any Prejudice to their Salvation, or any Prejudice
‘ of ether to other. Notwithſtanding howſoever others be-
‘ ing otherwiſe perſwaded, might ſafely do yt; yet I thought
‘ it not ſafe for me (being ſo perſwaded in Minde) to be the
‘ Doer of that whereof my own Heart and Conſcience would
‘ condemne me. And whereas I have ſuſteyned the reſtraint
‘ of my Libertie, and Sequeſtration of my Juriſdiction nowe
‘ by the ſpace of ſix Monethes, I am ſo farre from Repininge
‘ thereat, or thinkinge my ſelf injuriouſly or hardlie dealt
‘ withal therein at Her Majeſties Hands, that I do thankfully
‘ Embrace, and franklie, with all Humilitie, acknowledge
‘ her Princely, Gracious, and Rare Clemencie towards me,
‘ who having Authoritie and Power to have uſed greater
‘ and ſharper Severitie againſte me, and for good Pollicie and
‘ Example thinking it ſo expedient, hath notwithſtanding
‘ dealt ſo mercifullie, myldelye, and gentlie with me. But
‘ the greateſt Grief that ever I have had or have, is the Loſs
‘ of Her Majeſties Favour, and the ſuſteyninge of the Diſplea-
‘ ſure of ſo gracious a Soveraigne, by whom the Church and
‘ Realme of *England* hath been ſo long and ſo happilie Go-
‘ verned; and by whom my ſelf privatelie and ſpeciallie a-
‘ bove other Subjects have received ſo many and ſo great Be-
‘ nefits above all my Deſervings, for the recovery of whoſe
‘ gracious Favour I moſt humbly beſeech your Lordſhips to
‘ be a meanes to Her Majeſtie for me: The which obteyned,
‘ I ſhall eſteme far above all worldly Benefits whatſoever. And

‘ I

« I proteſt here before God and your Honours, that not only « my dewtifull and humble Obedience to Her Majeſtie ſhall « be ſuche, as She ſhall have no Cauſe to Repente Her of Her « gracious Goodneſs and Clemencie ſhewed unto me; but al- « ſo that by moſte ferventt, heartie, and dailie Prayer (as I « have done hitherto) ſo I will contynew, accordinge to my « bownden Dewtie, to make moſt earneſte Sute unto Almigh- « tie God for the longe Preſervation of Her Majeſties moſte « happie Raigne, to the unſpeakable Benefitt of the Church « and Realm of *England*, &c.

29 *November*, 1577. *EDM. CANTUAR.*

After the Reading, Mr. *Dodd* ſaid, they hoped theſe two Letters had ſet that Matter in a true Light, *that the Reaſon of the Archbiſhop's Diſgrace, was for not complying with the Commands of the Queen: And that they would proceed to the Third Article.* Mr. *Phipps* added, that the Dates of theſe Letters were material, for they were written in the Year, 1577; and Her Majeſty's Commands for Suppreſſing the Propheſyings not being obey'd, the *Puritans* in few Years became ſo dangerous, that the Parliament was neceſſitated to make the Act of the 35th Year of Her Reign (with thoſe ſevere Penalties which have been ſo much Cenſured by one of the Learned Managers) to give a Check to them.

Mr. Dodd's *Speech about the Third Article.*

THEN Mr. *Dodd* reſuming his Diſcourſe, ſaid, that in the Third Article, the Doctor was charged, that *he does ſuggeſt and aſſert, that the Church of* England *is in a Condition of great Peril and Adverſity under Her Majeſty's Adminiſtration; and that, in order to arraign and blacken the Vote or Reſolution of both Houſes of Parliament, approv'd by Her Majeſty, he, in oppoſition thereto, does ſuggeſt the Church to be in Danger*: Which they took the liberty totally to deny; the Doctor aſſerting no ſuch thing in his Sermon, nor had it, (as they apprehended) been proved upon him. That indeed, he aſſerts, that when National Sins are ripened to Maturity, with other Immoralities and Irreligious Practices therein mentioned, then ſuch a People and Church are in very great danger, as they apprehended from the Sins and Vices of wicked Men. That this they conceive no ways to be oppoſite to the Votes of the Two Houſes of Parliament, nor to Her Majeſty's Declaration; and they thought they had followed the Act of Parliament of 9 and 10 of King *William* for ſuppreſſing Blaſphemy and Prophaneneſs, and other Acts of Parliament, in aſſerting this matter. That it muſt be agreed, that the Church, as a *Church Militant*, is always in danger,

danger, 'till it is a Church Triumphant: That it is always taken notice so to be, she has many Enemies, she ought to be always on her Guard and Watch, and all good People ought to pray for her Support; That the Prayers directed by Her Majesty to be used in all Churches, are, *That no Sedition may disturb this State, nor Schism distract this Church*; and that we all ought to lay it to Heart how great Dangers we are in by our unhappy Divisions. That these being the Prayers that are put up every Day in the Churches, to object from this, that they look'd on the Church to be in Danger under Her Majesty's Administration, is directly contrary to what the Doctor had asserted in his Sermon, wherein he does, as a good and loyal Subject, pray, and pray heartily for the best of Queens, *that she may long live for the Comfort and Support of this Church and Nation*; that after this, one would think there could be no ground to quarrel with him on this Head: And as to that which was urged by one of the Gentlemen Managers for the House of Commons, observing that the Doctor's Expressions were taken out of the *Lamentations*, and that when the *Lamentations* were written, the King was a Prisoner, and the People in Captivity, and therefore the Doctor intended the Parallel to answer the present Times: Surely no such Inference could be drawn from these Passages. That he hoped the People were in no Captivity whatsoever; nor was our Queen (blessed be God) a Prisoner: And if it was intended by the Gentleman Manager, (as he supposed it was) that the Doctor herein meant the *Pretender*; the Doctor utterly denied it, and had all along disclaimed his Right, and asserted Her Majesty's Right in very express Terms: But that in this Place cited by the Doctor, is represented the Prophet's Lamentation for the Sins of the People, and the Judgments that had overtaken the *Jews* for their Sins and Rebellion. That the like Prayers may be observed to have been made by King *David*, and yet the Church of the *Jews* was in the greatest Prosperity in his Time; however, there is scarce a Psalm but he laments the Sins of the People, for fear least they should bring down Judgments on the *Jewish* Church and State. And that this is Pathetically expressed almost throughout all the Psalms.

That as to the Allegation, That *the Members of both Houses were conspiring the Ruin of the Church*, he totally denied it, nor had the Doctor in all his Sermon mentioned the Votes of the two Houses; therefore for the Article to charge the Doctor with asserting *that the Members of both Houses, who past the Vote relating to the Danger of the Church, were Conspiring her Ruin when they Voted her out of Danger*, was a mistaken Fact. That Vote being made almost four Years before. There could

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be no Reason to think he reflected on that Vote, nor was their any thing that could induce their Lordship's in the Doctor's Sermon, to believe such a Charge. That the Passage in the Doctor's Sermon related to the Wars in the late Times: And as in those Days there were many ill Men, and God permitted them to bring their ill Designs about; so it was plain, that there were many good Men innocent, as my Lord *Clarendon* expresses it, that had no such ill Designs. That, when their Lordships and the Commons pass'd that Vote, no doubt it was a just Vote, and gave a great Satisfaction; but no Body could expect that Passage to be turned on the Doctor as a Reflection on their Lordships, the Commons, and Her Majesty, in relation to that Vote; for what he Reflected upon was quite another thing: That he took Notice that the Church was in Danger from evil Men, from evil Practices, and evil Books that were daily Publish'd. That they hoped their Lordships would not take it, that when they urged this they intended to Reflect either on the Pastors of the Church, or the Ministry of the Queen, for it would be hard that they should be answerable for all those Pamphlets: But when such were Published to poison the Notions of the People, and a Minister in the Pulpit takes Notice of them to prevent the ill Consequences of them, whether this can have such a Construction as had been contended for, they might safely submit to their Lordships. That the asserting the Christian Faith to be in Danger by Vice and Irreligion, could not be contrary to the Votes in the Articles alledged, nor affect him, who made the Assertion, with any Crime, or subject him to any Punishment. That they should be the shorter in opening this Article, because they fear'd they should be very long in their Evidence upon this Head; that they should produce several Books that daily came out, which contain'd the highest Blasphemy, Irreligion and Heresie that could be publish'd. That he would not take upon him to open them; they were so horrid he left the Passages to be read, that their Lordships might see what Grounds there were for a Preacher in the Pulpit to take Notice of these Matters. When (said Mr. *Dodd* in the Conclusion) the Church is run down, the Clergy vilified, when

'they tell us a grey Coat has as much Authority to Adminis-
'ster the Sacrament as a black Coat, and that a Country
'Man may make as good a Priest as the Parson of the Parish;
'these things may excuse the Zeal of the Doctor, in so
'warmly Reprehending them. We shall read abundance of
'this sort of Learning, and we shall do it only, to shew that
'there was Reason for the Doctor in the Pulpit to forewarn
'the People, to caution them that they may not have ill

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Impreſſions made upon them, by ſuch wicked and ſcurrilous Writings. We ſhall humbly offer our Evidence to your Lordſhips, and then ſubmit this Article.

Mr. *Phipp's* Speech.

MR. *Phipps*, who ſpoke next to the *third Article*, begg'd their Lordſhips Patience, while he took Notice of the ſeveral Branches of it, and ſhew'd that the Doctor was not Guilty of any Offence therein charged. That as to ſuch Part of this Article, as Charged the Doctor, *That he doth falſely and ſeditiouſly Suggeſt and Aſſert, that the Church of* England *is in a Condition of great Peril and Adverſity under Her Majeſty's Adminiſtration; and that to arraign and blacken the Vote and Reſolution of both Houſes of Parliament, approv'd by Her Majeſty, be, in Oppoſition thereto, doth ſuggeſt the Church to be in Danger.* He took Notice, that the Firſt Part of the Fourth Article Explains this Branch of the Third Article, and ſhews what the Commons meant by the Church being in Danger *under* Her Majeſty's Adminiſtration: For, the Firſt Part of the Fourth Article ſays, That *the Doctor ſuggeſts that Her Majeſty's Adminiſtration, in Eccleſiaſtical and Civil Affairs, tends to the Deſtruction of the Conſtitution*; ſo that by Charging that the Doctor Aſſerts the Church is in Danger under Her Majeſty's Adminiſtration, it muſt be intended that he Aſſerts the Church to be in Danger, by Reaſon of Her Majeſty's Adminiſtration: And therefore, if there be any Expreſſion in the Doctor's Sermon which Suggeſts the Church to be in Danger, yet if it be not alſo therein Aſſerted that the Danger proceeds from Her Majeſty's Adminiſtration, the Doctor could not be an Offender within the Meaning and Intention of this Article: And that the Doctor denied, that he had Aſſerted any Thing in his Sermon, from whence any ſuch Suggeſtions could be inferred. That to give their Lordſhips full Satisfaction in this Point, he ſhould firſt take Notice of the ſeveral Clauſes in the Doctor's Sermon at St. *Pauls*, which had been Cited to make good this Article; That the firſt Paſſage quoted for this Purpoſe, was in Page the 5th, where the Doctor thus Expreſſeth himſelf: *I ſhall take the Expreſſion in its full Latitude, without confining it to the expreſs Deſign of the Place, tho' it were very Obvious to draw a Parallel here betwixt the ſad Circumſtances of the Church of* Corinth *formerly, and of the Church of* England *at preſent; wherein her Holy Communion has been rent, and divided by factious and ſchiſmatical Impoſtors; her Pure Doctrine has been corrupted and defil'd; her Primitive Worſhip and Diſcipline prophan'd and abus'd; her Sacred Orders deny'd and villify'd; her Prieſts, and Profeſſors (like St.* Paul) *calumniated, miſrepreſented and ridicul'd; her Altars, and Sacraments, proſtituted to Hypocrites, Deiſts,*

Deiſts, Socinians and Atheiſts; and this done, I wiſh I could not ſay, without Diſcouragement, I am ſure with Impunity, not only by our profeſs'd Enemies, but, which is worſe, by our pretended Friends and falſe Brethren.

'This, added he, is the Paſſage which is chiefly inſiſted 'on to make good this Branch of the Article. My Lords, 'Is there not too much Truth in this Clauſe? Hath not the 'Communion of the Church been rent and divided by ſome 'Factious and Schiſmatical Teachers in Separate Congrega-'tions, who have no Orders at all; and by others, who re-'fuſe to take the Oaths, and will not comply with the Act 'of Toleration; by Popiſh Prieſts, who have drawn away 'Perſons from our Communion to their Church? Have not 'her Sacred Orders been deny'd and villify'd by the Papiſts, 'who pretend, Arch-Biſhop *Parker* was Conſecrated at the '*Nags-head*? Are not her Altars and Sacraments proſtituted 'to Atheiſts, Deiſts and Socinians, who Communicate to 'Qualifie themſelves for Offices and places of Truſt; and yet, 'is there any thing in this Clauſe can Support this Article? 'Are theſe Evils charg'd upon Her Majeſty, or is it Aſſerted, 'that theſe Miſchiefs are owing to, or proceed, from Her 'Majeſty's Adminiſtration? That the next Paragraph cited to maintain this Article, was in the 14th Page, where the Doctor ſays, *In ſhort, as the* Engliſh *Government can never be Secure on any other Principles, but ſtrictly thoſe of the Church of* England, *ſo I will be bold to ſay, where any Part of it is truſted in Perſons of any other Notions, they muſt be falſe to themſelves, if they are true to their Truſts; or if they are true to their Opinions and Intereſt, muſt betray that Government they are Enemies to upon Principle. Indeed, we muſt do them that Juſtice, to confeſs, That ſince the Sectariſts have found a way (which their Fore fathers, God knows, as wicked as they were, would have abhorr'd) to ſwallow not only Oaths, but Sacraments, to Qualifie themſelves to get into Places and Preferments; theſe ſanctified Hypocrites can put on a ſhow of Loyalty, and ſeem tolerably Eaſie in the Government, if they can engroſs the Honours and Profits of it: But, let Her Majeſty reach out Her little Finger to touch their Loins, and theſe Sworn Adverſaries to Paſſive Obedience, and the Royal Family ſhall fret themſelves, and curſe their Queen and their God, and ſhall look upwards.*

That in this Paſſage there is not one Word of the Church being in Danger by Her Majeſty's Adminiſtration: That he only ſhew'd the Danger the *Engliſh* Government may be in by *Occaſional Conformiſts* put into Offices and Places of Truſt. For, Occaſional Conformiſts, who are Diſſenters, Republicans, Atheiſts and Deiſts, that Communicate only to qualifie themſelves for Places, if they are true to their Opinions, cannot

cannot be true either to the Church of *England*, or to the Government; for they will be always promoting their own Principles in Religion, and their own Forms of Government in the State. That both Lords and Commons were of Opinion, it was not safe to truſt Occaſional Conformiſts with the Guardianſhip of our Church or Crown, when they agreed to the Bill for preventing Occaſional Conformity, which Enacts, 'That if any Perſon, who had any Office Civil or 'Military, or any Command or Place of Truſt under Her 'Majeſty, or if any Perſon bearing any Office of Magiſtracy, 'or Place of Truſt in Corporations, who by the Laws are 'obliged to receive the Sacrament of the Lord's Supper, ac-'cording to the Rites and Uſage of the Church of *England*, 'ſhould after their Admiſſion into their reſpective Offices, 'and during their Continuance in ſuch Offices, reſort unto 'any Conventicle, Aſſembly or Meeting, under Colour or Pre-'tence of any Exerciſe of Religion, in any other Manner 'than according to the Liturgy and Practice of the Church 'of *England*, they ſhould, being Convicted thereof, be diſa-'bled from thenceforth to hold ſuch Office or Offices. That tho' this was never Enacted into a Law, yet, as it was the Opinion of both Houſes of Parliament, he begg'd leave to offer it as a Reaſon to Confirm what the Doctor had aſſerted. That he ſhould trouble their Lordſhips only with one Paſſage more, which was urg'd to prove this Article, which was in Page the 15th, where the Doctor ſays, *To lay before you the great Peril and Miſchiefs of theſe Falſe Brethren in Church and State; which I ſhall endeavour to do, by proving that they weaken, undermine, and betray in themſelves, and encourage, and put it into the Power of our profeſs'd Enemies, to overturn and deſtroy the Conſtitution and Eſtabliſhment of both.* Adding, that theſe Falſe Brethren are the *Occaſional Conformiſts* mentioned in the Page preceding.

That he heartily wiſh'd that all who Communicate in the Church, were true Sons of the Church; but if, as the Doctor ſuggeſted, there were any that Communicated at her Altars, who diſown'd her Miſſion, refus'd to comply with her Liturgy, and were Enemies to her Conſtitution; if *Arians*, *Socinians*, *Deiſts*, and almoſt all Diſſenters, and other Enemies to the Church, Communicated with her to get Places and Preferments in Church and State, what Prejudice the Church might receive from ſuch Falſe Brethren, he ſubmitted to their Lordſhips Judgments; begging leave only to offer to their Lordſhips, what was ſaid by the Commons at a Conference with their Lordſhips, upon the Bill for preventing *Occaſional Conformity*, and which, he hoped, in an Impeachment by the Commons, would have ſome Weight with their Lordſhips.

That

That the Commons upon that Conference were pleased to take Notice, 'That when the Corporation Act was made, the 'Parliament had fresh in their Minds the Confusions and Ca-'lamities that had been brought upon the Nation, by such 'as pretended to be at the same time in the true Interest of 'Religion and their Country. That the Parliament by that 'Act, and afterwards by the Test Act, thought they had 'secured our Establishment both in Church and State; and 'that they had provided a sufficient Barrier to defeat and 'disappoint any Attempts upon them, by Enacting, *That all in 'Office should receive the Sacrament of the Lord's Supper, accor-'ding to the Rights and Usage of the Church of* England; and 'never imagin'd a Set of Men would rise up, whose Consci-'ences were too tender to Obey the Laws, but harden'd 'enough to Break through any.

That having shewn that the Passages Cited by the Managers did not maintain this Article, and that the Doctor had not Asserted the Church to be in Danger by her Majesty's Administration; He would next shew, from what Causes the Doctor did suggest the Danger of the Church to arise; and of these, Schism was one.

'That Schism, continued he, may distract the Church, a 'Prayer lately added to our Liturgy tells us; That Separa-'tion from the Establish'd Church, which imposeth no sin-'ful Terms of Communion, is *Schism*, all the Learned Men 'of our Church agree; and that there are many People in 'this Nation that are Guilty of Schism, I think no Body will 'deny: And altho' it cannot be imagin'd, nor is it Asserted 'by the Doctor, that such Schism should grow to such a Head 'as to endanger the Church, during Her Majesty's Happy 'Administration; yet, what ill Consequence it may be to 'the Church in another Age, no Body can pretend to know, 'tho' every Body may have too much Reason to fear.

That, when Men attack'd the Articles of our Religion and our Homilies, and represented them as *Spurious*; when they call'd the Doctrine of *Non-Resistance* and *Passive Obedience* a *Blasphemous Doctrine*, what Influence that might have hereafter upon our Government, both in Church and State, their Lordships were the best Judges. That he submitted to their Lordships, if the Queen could be Safe, when it should be aver'd in Print, that there is one on the other side of the Water that is a *Jure Divino* King, and hath an Hereditary Right. Could the Queen or Church be safe, when all the whole Administration is villify'd and abus'd, as it is in the *Observator* in this Manner. Country-man asks the Question, *Have you any more Knaves to talk of?* Obs. *Honest Country-man, what would you have me to do? If I must run through all the Lists of*

Knaves

However, I muſt bring in all the Courts, all the Employments, all the Claſſes of Publick Affairs in the Nation. Could the Queen be ſafe, when the Murder of King *Charles* the Firſt was juſtified in Print, by the *Review* and *Obſervator*? When the *Wet Martyrdom* of King *Charles* the Firſt, and *Dry Martyrdom* of King *James* the Second were ſaid to be all one, and no Difference between them? When ſuch Rebellious Principles were ſo Publickly avow'd? And if Her Majeſty be in Danger, could the Church be ſafe?

That all Learned Men that underſtand our Conſtitution have always agreed, that there is ſuch a near Relation between the *Church* and *Monarchy*, ſuch a Dependance of one upon the other, that where one falls, the other cannot ſtand.

Can either Church or Queen be ſafe, (added he) when ſo great and neceſſary a Part of our Conſtitution, our Parliament is ſtruck at? When it ſhall be ſaid, *That the Members ſit in the Houſe to do nothing, making long Speeches without Meaning, and Voting Bills without deſign to have them paſs?* And when ſuch Rebellious Principles are broached, as I mentioned to your Lordſhips upon *Friday* laſt out of the *Review*. to ſhew the Neceſſity of preaching the Doctrine of Paſſive Obedience, *viz. If the next Parliament ſhould prove like this, the Nation will be ſo much nearer that Criſis of Time, when* Engliſh *Liberty being brought to the laſt Extremity, muſt open the Magazine of Original Power?* That theſe were ſome of the Things alledged by the Doctor to be dangerous to the Church and State: But that the chief Cauſes from whence he ſuggeſted the Danger to proceed, were Atheiſm, Prophaneneſs and Immorality; for he thus expreſs'd himſelf, *pag.* 29. *What reaſon have we to think but that the National Sins are ripen'd up to a full Maturity to call down Vengeance from Providence on a Church and Kingdom thus debauch'd in its Principles, and corrupted in its Manners, and inſtead of the True Faith, Diſcipline and Worſhip, given over to all Licentiouſneſs both in Opinion and Practice; to all Senſuality, Hypocriſie, Lewdneſs and Atheiſm?* That from theſe Sins it was he apprehended the Church and Nation to be in Danger; and what Judgments had been brought down upon Kingdoms and Nations for theſe Sins there were Multitudes of Inſtances, both in Sacred and other Hiſtories; That ſometimes they had been depriv'd of the true Worſhip of God, and overwhelm'd with Idolatry and Mahomenatiſm; That the Name of Chriſt was forgot in the Place of his miraculous Birth; and the Light of the Goſpel totally extinguiſh'd where it at firſt ſo glorioufly ſhin'd, by Infidelity, Prophaneneſs, and Immorality; May not (added he) *the ſame Cauſes produce the ſame Effects?* Can *England* be always ſecure from

ſuch

ſuch Judgments, when ſome amongſt us ſcarce own the firſt Perſon of the Trinity, by whom they were created? But many have the Boldneſs to deny the Divinity of the Second Perſon, by whom they were redeemed: That many other ſuch Blaſphemies and Atheiſtical Notions were daily propagated and ſpread abroad among us, of which He begg'd their Lordſhips Permiſſion to cite ſome few Inſtances: That there is a Treatiſe call'd, *A brief but clear Confutation of the Doctrine of the Trinity*; Page the 9th it ſays, *The Divinity attributed to the Son and Holy Ghoſt is unſcriptural and idolatrous*; Page the 14th, *To be ſhort, Trinitarianiſm is Polytheiſm and Idolatry, if there be any ſuch Thing in Nature.* And a Book called *Brief Notes on the Creed of* Athanaſius, ſpeaking of the Trinity and Incarnation, ſays, *A Belief in theſe Points is in no Degree neceſſary, much leſs neceſſary before all Things.* That the *Account of the Growth of Deiſm*, Page 17. ſays, *Many Doctrines are made neceſſary to Salvation, which it is impoſſible to believe, becauſe they are in their Nature Abſurdities.* Idem page 22. *One of my Old Acquaintance always thought the Moral Part of the Bible very good; but he alſo thought that by the Strength of his own Reaſon, he could have writ as good a Moral himſelf.* That they were Sins of a very deep Dye, and might juſtly draw down very heavy Judgments; and altho' they were very well aſſured, that the Piety of Her Majeſty alone is ſufficient to avert thoſe Judgments that are due to ſuch Crimes, and that by Her Majeſty's Care, and the Vigilance of Her Miniſters, thoſe Sins would not grow to ſuch a Head during Her Majeſty's Life, as to endanger the Church and State, yet (if not prevented) they might take ſuch Root now, as might hereafter endanger the State, the Church, and even Chriſtianity it ſelf: For as among Men, *Nemo Repente fuit turpiſſimus*, ſo Hereſies and Schiſms in the Church, Factious and Seditious Principles in the State, are not invented and arrive to the Height at once, but ſteal by Degrees into the Church and State: And therefore, as in the Body Natural, ſo in the Body Politick, we muſt meet the Diſeaſe, and prevent the ſpreading of its Contagion: And one of the beſt Methods to do it, is by our Miniſters ſhewing the Heinouſneſs of theſe Crimes, and the dangerous Conſequences that attend them. And they ſubmitted it to their Lordſhips, whether the Dr. had any otherwiſe aſſerted the Church to be in *Danger*, than what might happen to her as the Conſequences of ſuch Sins; and whether he any where averr'd the Church to be in Danger by, or under Her Majeſty's Adminiſtration.

That as to the Votes of both Houſes, they durſt not preſume to ſay how far they were deſign'd to extend: But he humbly ſubmitted to their Lordſhips Conſideration, whether the

the Vote of both Houſes in 1705, did relate only to ſuch Suggeſtions and Inſinuations of the Church's Danger, as ſhould be made about that Time, or ſome ſhort time after; or whether it was intended to have a Proſpect, and relate to what ſhould be ſuggeſted four Years after; whereas it was impoſſible for the Wit of Man to foreſee what ſhould happen in ſo long a Time. That we were then, as at preſent, engaged in a War with a powerful Enemy; a Pretender, ſupported by that Enemy, and who, ſince that Vote, attempted to invade theſe Kingdoms; That if that Army of the *French* had been ſucceſsful in *Flanders*, and the Advantage of the War had turn'd on their ſide; and if the Pretender had landed with ſuch ſucceſsful and powerful Army of *French* Papiſts in *Great Britain*, he believ'd it would have been impoſſible to have made the Generality of the People avoid thinking both Church and State to be in Danger under thoſe Circumſtances. To conclude, That if there be any thing in his Sermon, from whence it could be inferr'd that he ſuggeſted the Church to be in Danger, yet if it was not done with a wicked, malicious and ſeditious Intent to defame Her Majeſty's Adminiſtration, and to contradict and arraign the Reſolutions of both Houſes of Parliament, and unleſs ſuch Intention plainly appear'd without Inuendo's, he could not be guilty within the Intent of this Article.

And as to ſo much of the Third Article, which chargeth that *the Doctor, as a Parallel, mentions a Vote that the Perſon of King* Charles *the Firſt was voted to be out of Danger, at the ſame time that his Murderers were conſpiring his Death, thereby wickedly and maliciouſly inſinuating, that the Members of both Houſes who paſs'd the ſaid Vote were then conſpiring the Ruin of the Church*; He could not give a better Anſwer than the Doctor himſelf had given to it, *viz.* ' 1. That he doth not ' draw any Parallell between the Vote concerning the King's ' Perſon, and the Vote of the two Houſes. 2. That he ' does not in his Sermon mention the Vote of the two Houſes. ' 3. That if he had mentioned it, he would not thereby wic- ' kedly and maliciouſly have inſinuated, that the Members ' of both Houſes, who paſs'd that Vote, were then conſpi- ' ring the Ruin of the Church; but would have inſinuated, ' that as ſome Perſons were conſpiring the Murder of the ' King, whilſt others, no way privy to their wicked Intenti- ' ons, voted his Perſon to be out of Danger; ſo when the ' two Houſes voted the Church to be in no Danger under Her ' Majeſty's Adminiſtration, there might be ſome others who ' were conſpiring the Ruin of the Church, and many others, ' who by their Vice and Infidelity were drawing down God's ' Vengeance both on Church and State.'

Mr.

Mr. *Dee's* Speech.

MR. *Dee*, who ſpoke next in the Doctor's Defence, begg'd leave to make a Diſtinction, on the laſt Article, that is, that theſe Words, *Danger of the Church*, ſeem'd in the Articles to bear one Senſe, and in the Doctor's Sermon another. That Danger ſuggeſted in the Article, is a Danger under Her Majeſty's Adminiſtration; which words, he thought, were not to be found there; and if they were omitted, then it would ſtand only thus, That the Doctor did affirm that the Church of *England* is under great Peril and Adverſity, and if ſo, he hoped the Aſſertion was not Criminal. That he could not find that the Dr. ſuggeſts that there is any form'd Body of Men conſpiring to overthrow the Church; but ſays that there are ſuch Men that are Falſe Brethren that endanger the Doctrines and Diſcipline of the Church. That there was ſome ſort of Danger, appear'd by the Form of Prayer daily offer'd up for her Safety, and therefore a general Suggeſtion of Danger would not have anſwer'd the End of the Commons to make the Dr. Criminal, without adding the Words *under Her Majeſty's Adminiſtration*; and if they could ſhew that the Dr. in any Part of his Sermon has charg'd the Queen with ſuch Adminiſtration as endangers the Church, he (Mr. *Dee*) ſhould be very much to blame to appear for him at this Bar; but the contrary, he thought appears, when he Prays for Her Life, with theſe Words added, *For the Comfort and Support of this Church and Nation.*

That the Managers for the Houſe of Commons had been pleaſed to ſay, That the Doctor had reflected upon the Reſolutions of both Houſes of Parliament, by drawing a Parallel between the Vote relating to the Murder of King *Charles*, and the Vote of the Two Houſes, *that the Church was not in Danger*. But that to make a Parallel there muſt be two Lines, a Line firſt given to draw the Parallel Line to; and that in the Doctor's Sermon there was no ſuch firſt Line given, for he had not in all his Sermon taken Notice of any Vote of both Houſes. That if he had not taken Notice of this Reſolution of both Houſes in his Sermon, the Law would not imply that he had any Notice of it; for Votes are private Reſolutions of the Houſes, and always were ſo 'till of late they had been publiſh'd in Print; nor would the Printing of them infer that he had Notice of them. That the Doctor's Diſtinction in his Anſwer is very true and plain, 'That he doth not charge the Perſons concern'd in paſſing that 'Vote with being concern'd in that odious and execrable 'Deſign of carrying on the Murder of that Royal Prince; 'but that yet at the ſame time they paſſed that Vote, that 'bloody Deſign was carried on by a private Junto of Blood-'thirſty Men. That he did not, but ſuppoſing he ſhould, admit the Doctor had Contradicted the Reſolutions of both Houſes,

Houſes, he ſubmitted it to their Lordſhips what Crime the contradicting a Vote of the Houſe of Commons, or the Reſolution of both Houſes, is. That contradicting a known eſtabliſh'd Law may be Seditious; but he ſubmitted it, whether a Vote is ſo publick an Act, that contradicting it, at leaſt without taking notice of it, be any Crime, or at leaſt be ſo high a Crime as to deſerve a Cenſure. That he might indeed, be thought Saucy and Unmannerly to do it, or it might be a Breach of Privilege; but whether their Lordſhips would interpret it to be a Crime, and ſuch a Crime as would bear an Impeachment for High Crimes and Miſdemeanors, he ſubmitted to their Lordſhips. That they hoped, that notwithſtanding any thing yet offered againſt the Doctor, that their Lordſhips would be of Opinion, that the acquitting him of this Impeachment, would be a noble and convincing Proof of the undoubted Truth of that Vote, That the Church of *England* (of which the Doctor was a true, though an unfortunate Son, whilſt under a Charge by the Commons of *Great Britain* for High Crimes) under Her Majeſty's Adminiſtration, was in *a Safe and Flouriſhing Condition.*

Dr. Henchman's *Speech.*

DR. *Henchman*, who ſpoke next in the Doctor's Behalf, as to the Third Article of Impeachment, in which he is charg'd with [*Falſly and Seditiouſly ſuggeſting and aſſerting, That the Church of* England *is in a Condition of great Peril and Adverſity under Her Majeſty's Adminiſtration.*] Said, that if by theſe Words, *under Her Majeſty's Adminiſtration*, their Lordſhips were to underſtand, *By the Courſe and Tendency of Her Majeſty's Adminiſtration*, that Charge, they poſitively deny'd, and aſſured themſelves that the Learned Managers had not been able to maintain it, either from the general Scope and Deſign of the whole Sermon, or from any particular Paſſages in it. That if by thoſe Words, *under Her Majeſty's Adminiſtration*, was to be underſtood only *During the time of Her Majeſty's Adminiſtration*, then they apprehended that there might be, Perils under Her Majeſty's Adminiſtration, which do no ways proceed from ſuch Her Adminiſtration, and which might be mention'd without any ſeditious Thought or Intention of reflecting upon Her Majeſty's Happy Adminiſtration. That if their Lordſhips look thro' the whole Sermon, it would appear, that he who now ſtood accuſed for caſting this foul Aſperſion upon Her Majeſty, never once mention'd Her throughout this whole Diſcourſe, but in Terms full of the profoundeſt Reſpect and Reverence: That in the very beginning of this Sermon, in the ſecond Page this was reckon'd as one chief Part of that Day's Deliverance, which he was then ſolemnizing. *That this good and pious Re-*

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Heir of the Royal Family sits now happily upon the Throne of Her great Ancestors. That in the 19th Page we find him with an honest and hearty Zeal asserting Her Majesty's Right to the Throne, and praying God to bless her in it; and within a few Lines he again repeats that Prayer, *That God would long preserve Her on that Throne,* for this very remarkable Reason, *because She is the Comfort and Support of the Established Church.* That this is not the Language of one that would suggest and assert, that very Church to be in a Condition of great Peril and Adversity from Her Majesty's Administration; nor could their Lordships presume, that any one could so far prevaricate with God and Man, as openly to thank God for the peculiar Happiness that we now enjoy by Her Majesty's sitting on the Throne of Her Ancestors, and to beseech him long to preserve Her there for the Support and Comfort of the Establish'd Church, and yet assert, that that Church is in great Adversity *under*, that is *from*, *Her Majesty's Administration.*

That Dangers spoken of in this Sermon were either such as arose from the *Infidelity* and *Prophaneness*, the Vice and Immorality of the Age; or else such as always had attended the Christian Church from her first Foundation, and always will attend her whilst she continues Militant upon Earth. That there were Dangers arising to the Church from *Infidelity* and *Prophaneness*, was already, too evident, from those Authors I mention'd under the Second Article, and from what the Gentlemen, who had spoke before him had observ'd upon this: And if it yet wanted a Confirmation, they should beg leave to lay before their Lordships a black Catalogue of Prophaneness and Blasphemy, not fit to be heard more than once.

That as to the Dangers proceeding from Vice and Immorality, the Laws of the Land, and the many Proclamations issued out by Royal Authority upon that occasion, were an undeniable Evidence of the growing Danger to the Church on that Head, and of Her Majesty's special Care to suppress and prevent that Danger: Her Majesty declaring Her Royal Resolution to punish all manner of Vice, Immorality and Prophaneness in Persons of all Degrees whatsoever, and particularly in such as are near Her Royal Person; that these Proclamations are order'd to be read by all Ministers in their respective Congregations, at least four times in every Year, and they are directed to incite and stir up their Congregations to the Practice of Piety and Virtue, and the avoiding all Immorality and Prophaneness: And that hard is the Case of Ministers, if they must reprove Prophaneness in Men of all degrees under Her Majesty's Displeasure, and yet if they once happen to mention Men of Characters and Stations in their publick Discourses, that too must be made one Part of an Impeachment against them.

That it was ſaid, indeed by a Learned Manager, that the Pulpit was not a proper Place for Complaints of this Nature; *that theſe things ought not to be ſpoken of in Publick, unleſs they could be prov'd; and if they could be prov'd, thoſe that are known to be guilty ſhould be proſecuted in a due courſe of Law.* But that he did apprehend it to be the Duty of a Miniſter of the Goſpel *to be inſtant in ſeaſon, and out of ſeaſon; to exhort and rebuke with all Authority*, and without Diſtinction; and that the Dignity of their Function, does and ought to protect them in the Performance of that Duty; but that Miniſters ſhould be oblig'd to Proſecute every Offender in a Court of Juſtice, was not yet known to be any part of their Office; and he that at any time ſhould take that part upon him, would hardly avoid that Imputation which many People were ready to lay upon the whole Profeſſion.

That in the next place, their Lordſhips would conſider whether the Dangers mention'd in this Sermon were not ſuch as had in all Ages, and under the beſt Princes, infeſted the Church. That he Appeal'd to the Reverend Bench of Biſhops, whether even in the Apoſtles time there were not *Men of unſtable Minds* crept in among them, ſome *carried about with every wind of Doctrine, deceiving and being deceiv'd*, others *teaching for Doctrines the Traditions of Men*; and whether in the immediate ſucceeding Ages the Church was not miſerably rent and divided by Factious and Schiſmatical Impoſtors: That their Lordſhips well knew that the Pious Care of Chriſtian Emperors was not able to prevent the ſpreading of old Errors, and the continual ſpringing up of new ones; neither had Her Majeſty's peculiar Piety and Zeal prevented many Inſtances of Prophaneneſs and Irreligion under Her happy Adminiſtration; but certainly no Inference ought to be made from an Hiſtorical Account, or bare Mention of ſuch like Perils of the Church, as if that was intended to arraign the Adminiſtration of thoſe Princes in whoſe times they happen'd.

That there are ſuch Dangers attending the Church, even under Her Majeſty's happy Adminiſtration, needed no other Evidence than that Form of Prayer, which by Her Majeſty's Authority was directed to be us'd in all Churches, in which we beſeech God, *That no Sedition may diſturb this State, nor Schiſm diſtract this Church; and that he would give us all Grace ſeriouſly to lay to Heart the great Danger we are in by our unhappy Diviſions.* That this Prayer particularly mentions the great Danger of the Church, in being at this time diſtracted with *Schiſm*; and he muſt ſubmit it to their Lordſhips Conſideration, how hard it was that a Miniſter might not from his Pulpit mention thoſe Dangers without Offence, which he was eſpecially commanded to pray againſt in his Desk.

Dr.

Dr. *Henchman* having done ſpeaking, Mr. *Dodd* beg'd leave to produce ſeveral Books, wherein there were the ſtrangeſt Opinions that perhaps their Lordſhips ever heard of; and ſaid, they ſhall firſt confine themſelves to them, which relate to Blaſphemy, Irreligion and Hereſie, which they confeſs'd were not pleaſant to be heard, or fit to be publiſh'd, if it were not abſolutely Neceſſary for the Doctor's Defence. Mr. *Phipps* added, they begun with ſome Miſcellaneous Tracts publiſh'd by Mr. *Edmund Hicketingill*; becauſe he was a *Falſe Brother*; and they thought his Tracts would juſtifie the Dr. in what he had ſaid in relation to the Church being in Danger, from the Blaſphemy and other enormous Crimes mention'd in his Sermon.

The *Clerk* having read as follows:

Part I. *p.* 12. The ſecond Pretender to Infallibility is the Bible: and that I admit too, ſo ſoon as 'tis agreed which Chapter and Verſe is God's Word, and which not, and why. ——For as for ſome Verſes and Clauſes in the Holy Bible, the very Penmen thereof did not ſometimes know very well whether the ſame were the Dictates of the Spirit of God, or no. ——Sometimes they write ——*Thus ſaith the Lord*—— and not I, but the Lord Commands, So and ſo: And then again in a Qualm or Quandary, modeſtly pretend to gueſſing: *I think alſo*, ſays St. *Paul*, *that I have the Spirit of God*. Mr. *Thompſon*, one of the Managers, ſaid, that upon what was offer'd to be given in Evidence, they apprehended ſomething that would require their Conſideration, and they deſire to withdraw.

Accordingly the Managers withdrew, and then the Lords adjourn'd to their Houſe above; and in a ſhort time their Lordſhips being returned, and Seated as before, and the Managers being alſo returned to the Place appointed for them, Mr. *Thompſon* acquainted their Lordſhips, That they had conſider'd the Nature of the Evidence open'd by the Council, and without troubling their Lordſhips to obſerve how immaterial it was for the Priſoner's Defence, ſubmitted it to their Lordſhips, whether ſuch Impious and Blaſphemous Paſſages as the Council were aſham'd to repeat ſhould be republiſh'd in ſo ſolemn a manner, by reading them in Evidence before their Lordſhips. Hereupon the *Lord Chancellor* told the Gentlemen that were of Council for the Dr. they might proceed in their Evidence, as they ſhould think proper.

Mr. *Dodd* ſaid, they thought it ſo material for the Doctor's Defence, that they durſt not depart from it without their Lordſhips Order. Mr. *Phipps* added, that the Reaſon that Learned Gentleman gave againſt reading them, was the very Reaſon they offer'd for reading them; for the Dr. aſcribed the Danger of the Church to thoſe Blaſphemies and Impious

Doctrines and Tenets, that were so frequently publish'd, and which call'd for God's Judgments on the Nation, and Mr. *Dee* desired, that the *Clerk* might read in the same Book he was reading before. He went on thus:

Ibid. p. 17. For Sabbathising. The Sabbath, Oh the Sabbath ——— called by the cunning Priest-craft, not by the Holy Scripture, the Lord's-Day, to recommend it the better to the unthinking Mob. ——— Of all the other seven Days the Priest's best Market-Day to put off his Wares, and turn them into Money.

Ibid. p. 21. Family Duties are the next plausible Piece of Priest-craft Divinity, I mean praying with the Family, (not that I Condemn it) tho' our Blessed Saviour seems to Condemn it by his Practice and Preaching.

Ibid. p. 23. Saying Grace, an universally cry'd up piece of Divinity, Superstition, or Priest-craft; for we never read that Christ or his Apostles said Grace, either before Meat, or after Meat.

Ibid. p. 50. King *Saul* found to his cost, that he had better have displeased all *Israel*, than *Samuel* the good High-Priest; and had better have rent the Cloaths off from his own Back, than have rent *Samuel*'s Cassock ——— It fretted the good Old Gentleman; and in a Passion he said, *God hath rent from thee the Kingdom also, and hath given it to thy Neighbour that is better than thou.*

Ibid. p. 51. Then the Lord answer'd, *take an Heifer with thee, and say I am come to do Sacrifice to the Lord*: The Policy of Heaven, we see, jumps with our late Priest-craft in this, to make Religion the common covert to hide a Plot.

Ibid. p. 52, 53. His Kingdom, which was given to *David*, because he was a Man after God's own Heart, (not in Holiness, that is not meant, for besides his Adultery and Murder, his many other Sins, and cursing his Enemies to the Pit of Hell, is unaccountable) but after God's own Heart is a Hebraism, and in *English* signifies as much as a Man for my turn, he will Kill and Slay as the Priest directs, by Orders receiv'd from Heaven; he will fulfil all my Will, saith the High-Priest.

Ibid. Part 2. p. 4. I can by no means perceive that this Commission to Teach, Baptize, Excommunicate, or Absolve, does properly or more appertain to a Grey Fryar, or any Black Coat, more than to a Grey Coat or Layman.

Ibid. p. 14. To say, the Use (being for God's Service) Sanctifies it: So may a Meeting-House, a Tabernacle, or my Dining-Room be Consecrated, when we pray and preach there, or say Grace there, *pro hac vice*; and *vice versa*, it is unconsecrated when Dinner-time comes, or the Punch Bowl.

Then

Then *Mr.* Dee *ſaid*, *the Rights of the Chriſtian Church* was the next Book they ſhould offer to their Lordſhips, whereupon the *Clerk* read what follows;

P. 105. At the cloſe of the Supper, the great Meal with them, the Maſter of the Feaſt diſtributed among his Gueſts ſmall pieces of Bread; and having firſt drank of the Grace-Cup, deliver'd it to be handed about: To which Chriſt, who Inſtituted no new Rites, ſuperadded the Remembrance of his Sufferings; and directs his Diſciples, as often as they did this, that is, Celebrate ſuch Feſtivals, and cloſe them with he *Poſt-cænium*, to Commemorate him after this manner.

Ibid. p. 102. Does not every one, as well as the Miniſter, equally apply the Bread and Wine to the ſame Holy and Spiritual Uſe, in Commemorating the Benefits received by our Saviour, and in offering up the ſame Prayers, and deſiring the ſame Bleſſings? And whoever does this with a due Application of Mind, rightly Conſecrates the Elements for himſelf, ſince this is the only Conſecration they are capable of: Any thing further than this may rather be called Conjuration than Conſecration.

The next Book ſaid Mr. *Dee*, we offer to your Lordſhips is *Blount's Oracles of Reaſon*: And accordingly the Clerk read the following Paſſage.

Preface p. 3. Reaſon is able to furniſh us with enough to make us happy, and that is as much as we need care for.

Ibid. p. 165. When he made his Cavalcade upon an *Aſinego*, they extoll'd him as the Deſcendant of King *David*; but his untimely Apprehenſion and Death, together with his Neglect to improve the Inclination of the People to make him King, did allay the Affections of the *Jews* towards him.

Ibid. p. 49. It ſeems a very cruel and very hard thing in this reſpect, that God ſhould be ſaid to have tormented, nay, and ruin'd Mankind, for ſo ſmall a Fault, and that too committed thro' the Levity of a Woman's Mind.

The next Quotation was out of Dr. *Burnet's Archæologia Sacra*,

P. 296. *Clerk Reads.*] *Id utiq; videtur gravissimum, & asperrimum in hac Narratione, quod Gentem humanam plexisse, imo perdidisse dicatur Deus ob rem exiguam, & femineis Ingenii levitate perpetratam,*

The next out of *an Account of the Growth of Deism.*

P. 191, 192, 193. *Clerk Reads.*] But since the Gospel Simplicity has been worn off, the Priests of all Churches have agreed, first, That it is necessary for all Christian People to Communicate at the Lord's Table. Secondly, That this Sacrament cannot be rightly Celebrated without the Assistance of a Priest, who must Consecrate the Elements to the use for which they are designed; whereby the Priest is made absolutely necessary to the very Being of the Sacrament. The Priest also making himself Judge of every ones Preparation for this Sacrament, has it in his Power to admit to a Participation whom he thinks fit; as likewise to exclude whom he pleases from this necessary Means of Salvation: And hereby he is enabled to make his Terms with the People, who must be contented to save their Souls upon what Conditions he will admit. No wonder then, that so great a noise has been made concerning this Sacred Commemorative Repast. That Christian Communion which you read of as practised in the Apostles Days, was nothing else but a Religious Conversation of Christians one amongst another. 'Twas for Society-sake that they went from House to House, that they ate and drank together frequently——Now it's plain, that this sort of Religious Conversation may be kept up among Christians without either Priest or Altar, or any set Form of Prayer, or Praise. It was long after the Apostles were dead and buried, before the Temples were built, and Altars erected, or set Orations were made to the People in Churches. And what if you should further consider, if there be any part of this Primitive Church-Communion that might not have been performed by a Woman as well as a Man——When the Primitive Christians met together to break Bread, from House to House, had any of these Women craved a Blessing on that Bread, we have no reason to doubt but that God would have heard her Prayer.

The next out of a *Letter concerning Enthusiasm.*

p. 59. *Clerk Reads.*] Is the doing good for Glory's sake so Divine a thing? Or is it not diviner to do good even where it may be thought inglorious, even to the ungrateful, and to those who are insensible of the good they receive? How comes it then, that what is so divine in us should lose its Character in the Divine Being? And that, according as the Deity is represented to us, he should more resemble the Weak, Womanish, and Impotent Part of our Nature, than the Generous, Manly and Divine? *Ibid.*

Ibid. p. 60. One would think it were eaſie to underſtand, that Provocation and Offence, Anger, Revenge, Jealouſie in point of Honour, or Power, love of Fame, Glory, and the like, belong only to limited Beings, and are neceſſarily excluded a Being which is perfect and univerſal.

Ibid. p. 61. It is Malice only, and not Goodneſs, that can make us afraid.

Ibid. p. 62. So that we have only to conſider, whether there be ſuch a thing as a Mind that has relation to the whole, or not: For if there be no Mind, we may comfort our ſelves however, that Nature has no Malice.

Ibid. p. 63. For no Body trembles to think that there ſhould be no God, but that there ſhould be one.

Ibid. p. 69. I am not a Divine good enough to reſolve what Spirit that was which proved ſo catching among the ancient Prophets, that even the Prophane *Saul* was taken by it.

The next out of a Book, call'd, *A Brief but Clear Confutation of the Doctrine of the Trinity.*

p. 9. *Clerk Reads.*] The Divinity attributed to the Son and Holy Ghoſt, is unſcriptural and Idolatrous.

Ibid p. 10. This one Fundamental falſe Principle, as well with *Jews* and *Turks*, as Heathens, has done more Miſchief to Chriſtianity than all our other Errors beſides.

Ibid. p. 11. For my part, I declare I ſhall never more admire at the Abſurdity of either Papiſts, Turks or Heathens; be they as groſs as they will, I am ſure they will never be able to exceed this Doctrine.

Ibid. p. 14. To be ſhort, Trinitarianiſm is Polytheiſm, and Idolatry; if there be any ſuch thing in Nature.

Revelat. 17. 5. *And upon her Forehead was a Name written, Myſtery, Babylon the Great, the Mother of Harlots, and the Abominations of the Earth.* And to what, I pray, in Popery can that Word *Myſtery* there ſo properly relate, as to the Trinity?

The next out of *Brief Notes on the Creed of* Athanaſius.

p. 7. *Clerk Reads.*] A Belief in theſe Points, that have been always controverted in the Churches of God, is in no degree neceſſary, much leſs neceſſary before all things.

And now I appeal to all Men that have any Freedom of Judgment remaining; whether this Creed is fit to be retain'd in any Chriſtian, much leſs Proteſtant and Reform'd Church? Since it ſubverts the Foundations, not only of

Chriſtianity, but of all Religion, that is to ſay, Reaſon and Revelation.

Then Mr. *Dee* mentioned a Book mark'd with the Letter *L*, call'd, *An Account of the Growth of Deiſm*, out of which the Clerk read what follows;

p. 17. Many Doctrines are made neceſſary to Salvation, which it's impoſſible to believe, becauſe they are in their Nature Abſurdities. I reply'd, that theſe things were Myſteries, and ſo above our Underſtanding. But he ask'd me, to what end could an unintelligible Doctrine be revealed? Not to inſtruct, but to puzzle and amuſe.

Ibid. p. 22. One of my old Acquaintance always thought the moral part of the Bible very good, but then he alſo thought that by the Strength of his own Reaſon he could have written as good a Moral himſelf.

Ibid. p. 24. If you look over the State of Religion, as it ſtandeth in Chriſtendom, there is no Church whatſoever which will accept you as a Member of its Communion, but upon ſome particular Terms of Belief, or Practice, which Chriſt never appointed, and it may be ſuch as an honeſt and wiſe Chriſtian cannot conſent to——It looks like a Trick in all Churches to take away the uſe of Mens Reaſon, that they may render us Vaſſals and Slaves to all their Dictates and Commands. But what greater Slavery than to force on Men a Belief of ſuch things as neceſſary to Salvation, of which it's not poſſible to form any Idea? Though I am ſatisfied there is no ſuch Thing as a Change of Bread into the Fleſh of Chriſt, yet I can form an Idea that ſuch a Thing may be, that the ſame Power that changed Earth into a Man, may change Bread into Fleſh; but I can frame to my ſelf no Idea of what your Church teacheth in the Sacrament, *That the Body and Blood of Chriſt are verily and indeed taken and receiv'd of the Faithful.* And when I ask, how can this be underſtood by a Proteſtant who believeth that there is no other Body but that of Bread? I am told that the Church means it in a Spiritual Senſe. Now I have try'd, and find it impoſſible for me to form my ſelf an Idea of a Body verily and indeed in a Spiritual Senſe.

Ibid. p. 25. Your Church will require me to believe other Abſurdities as bad as theſe; as that Kings and Biſhops have a Divine Right to that Power which they exerciſe over us; whereas with my own Eyes, I ſaw our great and gracious King accept the Crown of *England* as the Gift of the People. And I ſee as plainly that Biſhop's are an Order of Men of their own (not of Chriſt's) making.

Ibid.

Ibid. p. 26. I can find no Footſteps of any Juriſdiction given to the Twelve over the Seventy, or indeed over any Body elſe.

The next ſaid Mr. *Dee*, is, *The Hiſtory of Religion*, whereupon the Clerk Reads.

p. 310. Strange and puzzling Methods of religious Ceremonies and Myſteries, and of various Rights of ſacrificing, good for nothing but to confound and diſtract the Minds of Men.

Ibid. p. 312. In very deed, Creeds were the Spiritual Revenges of Diſſenting Parties upon one another.

Mr. *Dodd*, having in the next Place call'd for *Aſgyl*'s Arguments, the Clerk Read.

p. 36. God told *Adam*, that if he did eat he ſhould die; the Devil told *Eve*, that they might eat and not die; and theſe were the firſt Words ſpoken to Man by God, or the Devil; upon the Truth or Falſhood whereof, the very Beings of them both were to depend for ever: For which ever of them could maintain the Truth of his Word againſt the other, he muſt have been God, and the other the Devil. And therefore God, having turn'd the Lie upon the Devil, he is from thence call'd a Liar from the Beginning, and the Father of it, and will never be believ'd again for ever. God could not have diſpenſed with his Word, without complementing the Devil with his God-head.

Ibid. p. 82. What is it that you do, or would believe of Chriſt, or in Chriſt? *Anſw.* Why, we believe him for our Saviour. Save you! from what? Why, from our Sins. Why, what Hurt will Sin do you? Why, it will kill us. How do you know? Why, the Law of God ſaith ſo. *In the Day thou eateſt thereof thou ſhalt die.* Why, but then will not this Saviour ſave you from this Law, and from this Death? No, he'll ſave us from Sin. Why, then it ſeems you have got a Pardon for Horſe-Stealing with a *Non-Obſtante* to be hanged. Do but ſee now what a Jeſt you have made of your Faith. And yet I defie the Order of Prieſthood to form a better Creed than this, without admitting the Truth of my Argument, or to make Senſe of their own Faith without adding mine to it. It's much eaſier to make a Creed, than to believe it after it's made: Nor can any Man really believe any Part of the Goſpel that doth not believe it all. For it is a Doctrine ſo dependant upon it ſelf, that unleſs we know the whole of it from the Beginning to the End, we can't know the Uſe and Reaſon of any Part of it. Wherefore (notwithſtanding this Imitation of Death in the World, and

the

the Infection of Fear contracted upon Man from hence) I am not affrighted from re-aſſuming my Aſſertion at the Beginning, That this long Poſſeſſion of Death over Man, is a Poſſeſſion againſt Right.

Ibid. p. 97. Behold, ye Deſpiſers, and wonder! Wonder at what? Wonder to ſee Paradiſe Loſt, with the Tree of Life in the midſt of it! Wonder and curſe at *Adam* for an Original Fact, who in the Length of one Day, never ſo much as thought to put forth his Hand for him, and us, and pull, and eat, and live for ever. Wonder at, and damn your ſelves for Fools of the laſt Impreſſion, that in the Space of 1700 Years, never ſo much as thought to put forth our Hands every one for himſelf, and ſeal and execute the Covenant of Eternal Life, and live for ever.

Ibid. p. 98. To be even with the World at once, he that wonders at my Faith, I wonder at his Unbelief. And ſtare at me as long as you will, I am ſure that neither my Phyſiognomy, Sins, nor Misfortunes, can make me look ſo unlikely to be tranſlated, as my Redeemer was to be hanged.

The next Quotation was out of a Book call'd, *Chriſtianity not Myſterious*, as follows:

p. 80. God himſelf, nor any of his Attributes are Myſteries to us for want of an adequate Idea: no not Eternity.

Ibid. p. 107. As far as any Church allows of Myſteries, ſo far it is Antichriſtian, and may with a great deal of Juſtice, though little Honour, claim Kindred with the Scarlet Whore.

Ibid. p. 134. For to ſpeak freely, Contradiction and Myſtery are but two Emphatick Ways of ſaying nothing.

Contradiction expreſſes nothing by a couple of Idea's that deſtroy one another, and Myſtery expreſſes nothing by Words that have no Idea's at all.

Ibid. p. 156. It will not be amiſs to lay down a ſhort Parallel of the ancient Heathen, and new-coin'd Chriſtian Myſteries. And I ſhall endeavour ſo to do it, as to make it evident they were one in Nature, however different in their Subjects.

The next out of Sermons and Eſſays of Mr. *Whiſton*'s, thus:

p. 213. When the Scriptures ſpeak of the one God, or of one God, they plainly and diſtinctly mean, one Original Fountain and Author of all Beings whatſoever; or mean thereby one Supream God, the Father only.

Ibid p. 215. The Moderns call'd theſe three Divine Perſons but one God, and ſo introduced at leaſt a new, and unſcriptural,

ſcriptural, and inaccurate, if not a falſe Way of ſpeaking in the Church.

Mr. *Dee* having taken Notice, that this Author makes it an *Errata*, that he has nam'd the Trinity, and put it out of the Book, the Clerk Reads.

Ibid. p. 415. *Errata.* Pag. 123. lin. 23, 24. To whom with the Father, and the Holy Ghoſt, read, in the Holy Ghoſt, and *dele* three Perſons and one God.

The next was out of *The Unreaſonableneſs of making and impoſing Creeds.*

p. 14, 15. *Clerk Reads.*] But what Creeds and Articles of Faith can be produced that are not doubtful and diſputable? That which goes under the Name of the Apoſtles not excepted. It being neither of undoubted Authority, nor indiſputable, or unambiguous Senſe in ſome Articles thereof; though it be generally received by Chriſtians as Venerable for its Antiquity, and profeſſed, or rather ſaid, by all, even thoſe who underſtand not what they ſay when they recite it.

The next out of, *An Account of the Growth of Deiſm.*

Page. 25. *Clerk Reads.*] If thoſe Writings which they call Holy Scriptures are of their Side, as they all ſay they are, I make no doubt, but they are of their own inventing. And if Jeſus Chriſt their Patron laid the Foundation of thoſe Powers, which both Papiſt and Proteſtant Clergy claim to themſelves, from under him, I think the Old *Romans* did him Right in puniſhing him with the Death of a Slave.

Then Mr. *Phipps* ſaid, they ſhould next ſhew ſome Papers that reflect on the Church and Clergy, and firſt the *Rights of the Chriſtian Church.*

p. 47. *Clerk Reads.*] Not only an independent Power of Excommunication, but of Ordination in the Clergy, is inconſiſtent with the Magiſtrates Right to protect the Commonwealth.

Ibid. p. 104. The Scriptures no where make the receiving the Lord's Supper from a Prieſt neceſſary; nay, not one Inſtance of the Laity's receiving it ſo can be produced from thence.

Ibid. p. 237. It can belong only to the People to appoint their own Eccleſiaſtical Officers.—It's an inherent fundamental Right of all Communities.

Ibid. p. 240. None pretend to impoſe a Conductor or Director on another in Temporal Affairs, but every one is left to Manage them, as he thinks beſt for his own Intereſt, as being

ing presumed to understand it better than another; and therefore is to chuse his own Lawyer, Physician, Brewer, Baker, &c. and by the same Reason he ought to chuse his own Spiritual Conductor.

Ibid. p. 137. It's absurd to imagine every Christian is not capable of such Circumstances, as praying aloud, distributing the Bread and Wine, or (according to the present Mode) of sprinkling an Infant, and repeating a set Form of Words.

Ibid. p. 402. Have they not inserted this Power of theirs in an Article of the Creed, commonly called the Apostles, *viz. I believe the Catholick Church.*

We shall next offer the *Review*, said Mr. *Dee*, whereupon the *Clerk read.*

Vol. 2. *Numb.* 112. *p.* 447, 448.

Whether our Fathers had a Necessity to make those exclusive Laws, and impose as necessary their different Things acknowledg'd to be so, as Terms of Communion: Nor is this all, but supposing they had, which nevertheless I do not grant; then this Address is further press'd to your Lordships, to examine whether that Necessity does yet continue, or no? either of which will be the same thing; for if there either was not a Necessity at the time of their Enacting, or that Necessity does not yet remain, let which will happen to fall out, the Act of Uniformity, imposing such and such indifferent Things, as Terms of Communion, will appear Scandalous to the Church, Injurious to the publick Peace, and a Grievance to the whole Nation.

Ibid. Vol. 3. *Numb.* 127. *p.* 106.

Lest it become a new, proverbial Jest,
To be as wicked as an English Priest.

Ibid. Numb. 27. *p.* 107.

I cannot but tell him, should I publish the Matters of Fact which I am Master of, with Respect to the High-flying Gentlemen of the Clergy; should I give a faithful Account of the most Infamous and Scandalous Behaviour, the Notorious Lives, the Beastly Excesses, and the furious Treatment of their Brethren the Dissenters, which on a small search I have been acquainted with; the Inferior Clergy of his Party would appear the most wretched, provoking, abominable Crew, that ever God suffered to live unpunish'd, since he destroyed *Sodom* and *Gomorrha* by Fire from Heaven.

Ibid. Vol. 2. *Numb.* 105. *p.* 418.

If Words could be made Treason, one third at least of the Inferior Clergy in *England* would be hang'd.

Ibid.

Ibid. Vol. 2. *Numb.* 36. *p.* 142.

I again Appeal to you, Gentlemen, Whether, generally ſpeaking, all over this unhappy Nation, the Clergy are not, three Parts in five, in a cloſe Conjunction with the Enemies of the Church's Peace, and the profeſs'd Enemies of the Government?

Ibid. Vol. 6. *Numb.* 118. *p.* 471.

Others, not ſo directly, but altogether as fatally, and tending to the ſame End, with ſubtle Deſigns to divide and amuſe the People, by Preaching, Writing, and Printing, endeavour to revive the ſaid exploded Doctrines of Non-Reſiſtance, and abſolute uncondition'd Obedience, as things the People of *England* ought to think themſelves oblig'd by; which tho' in themſelves of no force, yet manifeſtly tend to unravel the Conſtitution, to invalidate the Queen's Title to the Crown, and deſtroy the legal Authority of Parliaments in the Nation. An eminent Proof of which is now depending before the Houſe.

Ib. Numb. 93. *p.* 371.

Drunkenneſs, Oaths, and abominable Lewdneſs; Ignorance, Negligence, and ſcandalous Inſufficiency; abhorr'd Error, Deiſm and Socinianiſm, have over-run the Clergy.

Obſervator, *Vol.* 4. *Numb.* 89.

You know the Church he means is High-Church, which is a Fiction, a Church of the Brain, ſupported by a little, inſignificant, trifling Number of Brainleſs People; and the People of *England* are no more concern'd about that Church, than about the Inſtitutions of Government laid down in *Moor's Utopia*, *Harrington's Oceana*, or *Bacon's New Atlantis*; and all the Canons, Rites and Ceremonies of that Church are no more to be conſider'd by you, or me, than ſo many Ballads, or *Duck-lane* Penny Hiſtories.

Ibid. Numb. 67.

The Univerſities have large Endowments, which I fancy may be better employ'd for the publick Good than at preſent. Let you and I Vote them uſeleſs.

Country-M. With all my Heart, Maſter.

Then Mr. *Dodd* ſaid, That the next thing they ſhould go upon, was to ſhew ſeveral Paſſages which reflected upon the Queen, the State, and Miniſtry.

Review, *Vol.* 2. *Numb.* 80. *p.* 319.

Clerk reads.] In ſhort, if *Jure Divino* comes upon the Stage, the Queen has no more Title to the Crown than my Lord Mayor's Horſe; all the People are bound by the Laws of God to Depoſe her as an Uſurper, and reſtore their Rightful and Lawful King *James* the Third. *Ibid.*

Ibid. Vol. 3. *Numb.* 122. *p.* 486.

The Line of all the World fam'd for Blood, and that had ravag'd the beſt Families of the Kingdom.

Ibid. Vol. 2. *Numb.* 43. *p.* 170.

Ever ſince the coming of King *James* the Firſt to the Crown, this Nation has been perplex'd with Diviſions, Uneaſineſſes, Oppreſſions and Murmurings both in Sovereign and Subject.

Ibid. Numb. 44. *p.* 174.

Either the Diſſenters had reaſon for former Diſcontents, and Reaſon to complain of Oppreſſion, Perſecution and Infringment of Privileges, or they had not. If they had; the Church was cruel, and the State unjuſt before, in laying thoſe Loads upon them. If they had not; both Church and State were infatuated and delirious, in granting them the Toleration and Liberties ſince conceded.

Ibid. Numb. 46. *p.* 181.

If the next Parliament ſhould purſue the Steps of the laſt; the Nation, in my Opinion, will be ſo much nearer that Criſis of Time, when *Engliſh* Liberty being brought to the laſt Extremity muſt open the Magazine of Original Power.

Ibid. Numb. 27. *p.* 106.

What can be ſaid for Members ſitting in the Houſe to do nothing, making long Speeches without meaning, and voting Bills without deſign to have 'em paſs?

Ibid. Numb. 123. *p.* 489.

The Ballance between 41 and 88 will appear to run againſt him; and the Difference between the dry Martyrdom of King *James*, by his Paſſive Obedient Church-Subjects, and the wet Martyrdom of King *Charles* the Firſt by People that never made any ſuch Pretence, will appear ſo ſmall, that it is not worth Dr. *D*——'s while to meddle with it.

Obſervator, *Vol.* 2. *Numb.* 89.

Country-M. Pray, Sir, are there a great many of thoſe People alive that cut off the Head of King *Charles* the Firſt?

Obſ. No, no; they are dead and gone a long time ago. However the Story ſerves ſome Men as Raw-head and Bloody Bones, to affrighten ſome, and calumniate others. Now for my part, I know nothing of the Buſineſs of King *Charles* I. I was born ſince the Reſtoration, and I have ſo high a value for the Prudence and Juſtice of our Forefathers, as not to condemn any of their Actions for the common Good. We are unkind to our ſelves in cenſuring the Juſtice of our Forefathers Actions, and thereby do give a Handle to our Succeſſors to cenſure ours. Did our Forefathers detruncate the Father? Did not we depoſe the Son, and put one more Righteous in his ſtead? Did we not diveſt him of all his Regalities,

ties, and make him a Fugitive on the Earth? And may not future Ages examine the Difference between the Decollation and the Abdication?

Ib. Vol. 4. Numb. 97.

I recite this to let you know the Encouragement the Papists have had in this Reign; when by their Interest they can get such as write against them Prosecuted, *&c.*

Ibid. Should I tell you, honest Countryman, the Accounts I have had of the Numbers of Popish Priests and Emissaries come into *England* the first two Years of Her Majesty's Reign; it would make your Hair stand on End.

Ibid. Vol. 3. Numb. 15.

They would have but a sorry Foot Soldier of the Observator————And yet I have been where those People that would send me durst not come, and where perhaps I have commanded better Men than themselves. It has been my Fortune to be in a fighting Army, under a General that we now dearly want; who did not use to return from the War, *sine Clade Victor*; and then ride in Triumph over his Queen on a Medal.

Ibid. Vol. 3. Numb. 99.

I am sorry that the Folly of some, and the Bribery of others, have brought us into such amazing and dismal Circumstances that either our Liberties must be lost, or be maintain'd by a Body that is neither of us, nor from us.

Ibid. I shall produce my self as an Example of the Arbitrary Power of this Parliament; and the Man that does not acknowledge their Proceeding against me to be Arbitrary, must assert, that an Arbitrary Power was never executed.

Ibid. Now if this ben't Arbitrary, I don't know what to call so. The *Spanish* Inquisitors have so much Regard to Justice, or the Shew of it at least, that they'll suffer a Man to speak in his own Behalf, *&c.*——Now, Countryman, do but consider my Case; I was sentenc'd to the Loss of my Liberty without being heard.

Ibid. Which plainly shews that what the Commons condemn'd me for would not bear an Action at Law.

Ibid. My Intent is to inform such as you, honest *Roger*, how much you have been abused by your Representatives.

Ibid. This Parliament is the very Reverse of former Parliaments; as they were merciful, this was cruel; as they made good and wholesome Laws to preserve the Liberties of their Electors, these took away the Freedom of their Electors without any Law; as they us'd all Means to keep their Electors out of Jayl, these used all Means to put 'em into Jayl.

Ibid.

Ibid. Vol. 2. *Numb.* 59.

Obj. Honeſt Country-man, what wou'dſt thou have me do? If I muſt run thro' all the Liſts of Knaves, I muſt bring in all the Courts, all the Employments, all the Claſſes of publick Affairs in the Nation.

Review, *Vol.* 2. *Numb.* 2. *p.* 5.

I really find the State of *England* in general to be thus. Its Trade under a ſenſible miſerable Decay in all its Branches. ——Its Navy great and flouriſhing, but all her well-laid Deſigns either defeated in their Preparations, by the miſerable Methods, and ill Government, with Relation to Seamen, or diſappointed by the ill Conduct or Cowardice of her Commanders. In civil Concerns, in the utmoſt Confuſions of Parties——blending together the moſt abſurd Contradictions, ſuch as propagating Religion by a ſcandalous Miniſtry ——reforming Manners by debauched Magiſtrates, and chuſing men to make Laws, by Bribery and Corruption.

The laſt Quotation offer'd that day was out of, *The Divine Rights of the* Britiſh *Nation vindicated, as follows.*

Pag. 105. And if he will but ſtay till the end of this preſent Seſſion of Parliament, he'll find ſeveral new Powers annex'd to the Regal Office, and perhaps ſome made void and repeal'd for the Publick Good.

After this Mr. *Dodd* ſaid, they had done with their Proofs; and gone over the Heads of Blaſphemy, Irreligion and Hereſie; the Church, the Queen, Miniſtry, and all Orders of Men reflected upon; Adding, they had cited theſe Books and Paſſages not to reflect on the Government, but as thoſe which put the Doctor in ſome Heat and Concern both for the Church and State, and they hoped their Lordſhips would make the beſt Conſtruction of the Doctor's Intentions in this Matter. Mr. *Phipps* ſaid, that if Blaſphemy and Irreligion can endanger the Church, if Treaſon and Rebellion can endanger the Nation, He thought, with great Submiſſion, the Doctor had made good his Anſwer, and therefore was not guilty of any Part of this Article. Then Mr. *Dee* begg'd leave that they might apply ſome part of the Proofs they had read that Day to the Fourth Article. And Mr. *Phipps* having acquainted their Lordſhips, that the other Article would be longer than would be fit to trouble their Lordſhips with now; they ſhould be ready to proceed when it was their Lordſhips Pleaſure:

Whereupon the Lords Adjourned to their Houſe above.

On

On Tuesday, March the Seventh.

THE Lords coming down into Westminster-Hall, *and being seated in the manner before mentioned, the Commons and their Managers having taken their Places, the Queen being present, and Dr.* Sacheverell *appearing at the Bar with his Council, the Lord-Chancellor told the latter, they might proceed in his Defence.*

Mr. Dodd's Speech. WHereupon Mr. *Dodd* said, That the *Fourth Article* contain'd several Heads. 1. *That the Doctor suggests, Her Majesty's Administration tends to the Destruction of the Constitution.* 2. *That there are Men of Characters and Stations in Church and State, who are False Brethren, who undermine and betray, and put it in the Power of others to overturn and destroy the Constitution.* 3. *That the Doctor charges Her Majesty, and those in Authority under Her, with a General Male-Administration.* 4. *That he perswades the Subjects to keep up a Distinction of Faction and Parties, instills Jealousies, foments Divisions, and stirs up the Subjects to Arms, and perverts several Texts of Scripture.* That as to the first, the Doctor was so far from suggesting, that Her Majesty's Administration tended to the Destruction of the Constitution, That he had not said any thing that could bear such a Construction. That the Doctor denied that he had made any mention of Her Majesty's Administration in Church or State in his Sermon; therefore how could he argue that it tends to the Destruction of the Constitution? That he took all Opportunities to speak of the Blessings we enjoy under Her Majesty's Government; pray'd for her Preservation, and that she may long Reign for the Comfort and Support of the Church; and profess'd what he spoke proceeded from a tender Concern for Her Majesty and Her Government: So that there was little Occasion for such a Charge against him.

That the Second Part of the Article is, That *there are False Brethren that are Men of Character and Station in Church and State, who undermine and betray, and put it in the Power of others to overturn and destroy the Constitution.* That the *False Brethren* by him described, are Persons who propagate false Doctrines, who give up the Discipline and Worship of the Church, who are for Neutrality in Religion, or who wish well to the Church, but do not shew their Zeal in obeying her Precepts, and defending her Rites. That these are the

False Brethren intended, which was very different from the Allegation in the Impeachment. That as to that Part of the Charge, *of putting it in the Power of others to destroy the Constitution*, he did not mention Men of Characters and Stations in this Place; but in Page 15, where this Passage was supposed to be contained, and yet it is twelve Pages after before those Words were mentioned. That they were not join'd together as was suppos'd by the *Article*, which was a Conjunction of Passages not relating to one another. That the Betrayers of the Constitution, to whom the Dr. did refer, were such as by Writing endeavour'd to subvert the Foundation of our Church and State, such as were of a Latitudinarian Principle, *who neither believe her Faith, own her Mission, submit to her Discipline, or comply with her Liturgy*: not such Persons or Things as are pretended by the Article.

That as to a *general Male Administration under Her Majesty*, he abhor'd the Charge, and had no where said it. But always, as a good Subject, mentioned Her Majesty with the profoundest Duty and Respect; nor did he tax any in Authority with a Male Administration; That the Dr. has on all Occasions, as a good Subject, justified Her Majesty's Title; and particularly at the Beginning of this War, he Preached a Sermon at *Oxford* before the University, therein justifying Her Majesty's Title to the Crown, and Her entring into the War against *France* and *Spain*: That as to the charge of endeavouring to keep up Distinction of Parties, he was so far from it, that he complains of those that have divided us with a Distinction of High and Low-Churchmen, *they have villainously divided us with Knavish Distinctions*; and what could he mean by all this, but a Service to the Government, and that they which raise such false Insinuations, such Fears and Jealousies, are the People he intended and complains of? And as he has done that, so he took all Opportunities to pray that we may be one Fold, under one Shepherd; and that all invidious Distinctions might be laid aside. That the next thing was, the raising these groundless Fears and Jealousies that were suggested: That as to that, the Passage they read before was quite opposite; the Dr. rebuking them that do it *as Ill Christians*, and *Ill Subjects*; and as to stirring up Her Majesty's Subjects to Arms and Violence, he abhor'd it, and throughout his Sermon asserted the Doctrine of *Non-Resistance*, which is quite contrary to this part of the Charge, altho' he conceived it to be the Ground of the Impeachment.

That there was Notice taken of a Passage (that has little in it) exciting Christians to put on the whole Armour of God: But sure that being distinguish'd from the Arms of *Flesh and Blood*, it could not be so misinterpreted as to be understood

ſtood of any earthly Power whatſoever: For as it is in the Scripture, ſo it was in the Doctor's Sermon, *the whole Armour of God*; *Patience*, *Submiſſion*, &c.

That as to the Charge of perverting ſeveral Texts of Scripture to make ill Impreſſions on the People, he denied it, and had no ill Impreſſion to make on any Perſon whatſoever: His Work being to do good, and make good and religious Impreſſions on his Hearers. But he thought it hard when he cited Texts of Scripture againſt Vice and Immorality, by a Conſtruction in Prejudice of the Preacher, thoſe Texts ſhould be ſaid to be applied to particular Perſons. That the Story of the Prophet in the 2d of *Kings*, chap. 6. as Printed in the Doctor's Sermon, was miſtaken; but the two Reflections made upon it were very unnatural, and not credible. The firſt Inference was, that he had it by Hearſay, and that he had not read it: But ſure, their Lordſhips could not think, but that he, that was a Doctor of Divinity, and had been a Student in the Univerſity of above 20 Years ſtanding, and conſtantly keeping to the Church, had read every Chapter of the Bible; but then it was turn'd the other way upon him; that, taking it to be ſo, then he repreſented himſelf to be the Prophet that could ſee the Danger, and made the Lords and Commons the People that were blind. That this he ſuppos'd, was intended to be wittily ſaid; but if it were ſeriouſly, and without Raillery conſidered, there was no Wit or Senſe in it. That he mention'd not the Lords and Commons at all; but true it was, he, as a Preacher, warn'd the People to have their Eyes open to ſee the Dangers of Sin and Vice; ſo that they apprehended there was no Ground from that Paſſage to charge the Doctor with corrupting the Scripture.

That the next Text that was quoted againſt the Dr. upon this Head was, *Blow the Trumpet in Sion, ſound an Alarm*: That it was urged by the Gentlemen Managers, That this could be for nothing but for War, and this 'twas pretended was only to be done in time of War, when the Prieſts with the Silver Trumpets were to ſound to Battle. But that this could not have that Conſtruction; for whoever look'd into the Scripture, particularly into the Prophet *Joel*, and other Places, where that Expreſſion is uſed, would find it is to proclaim a Faſt: That the Alluſion is carried by an Elegancy to the Trumpet, to ſhew the generality of it, and that all the People ſhould humble themſelves before the Lord: And to make this Sedition, to infer it to be to excite the People to War and Rebellion, was not right Reaſoning, nor was there the leaſt Colour for it.

That another Quotation was much preſſed upon the Dr. where ſpeaking of the Church, he cites that Paſſage out of

the *Lamentations*; *her Adverſaries are chief, and her Enemies at* preſent *proſper*: As if the Dr. had an Eye in it on the Miniſtry. But this they thought, was ſtraining the Words beyond their Senſe or Meaning; for, firſt, he did not ſay her Adverſaries are the chiefeſt, but in the loweſt Degree of Compariſon her Adverſaries are chief; that is, that amongſt her Adverſaries there are ſome conſiderable Perſons, ſome Men of Eſtates and Figure. That this, they thought, appear'd the Day before in the Pamphlets that were read, ſome whereof were ſuppoſed to be wrote by no mean Perſons; that the Dr. cited the Words of Scripture, and they thought it could have no ill Conſtruction. That as to the ſecond Part of the Expreſſion, *Her Enemies at preſent proſper*, they were the Words of the Prophet, and how true in the preſent Caſe they muſt ſubmit to their Lordſhips, upon what had been already offered, whether any ill Conſtruction can, or ought to be made of them. That neither the firſt nor ſecond Part of theſe Words are determined to any particular Perſons; and ſo they hoped no Offence could be taken at them, nor any ſuch Inference drawn from them, as had been endeavoured to be repreſented to their Lordſhips. That the Doctor declared in his Sermon, that *he hoped what he had ſpoken would be without any Offence, as it proceeded from an honeſt and good Intention, and a tender Concern for Her Majeſty's Perſon and Government, and an hearty Zeal for the Honour and Safety of our excellent Church and Conſtitution*: And ſo they hoped their Lordſhips would conſtrue and intend it: Concluding, that they would read no more than two or three Proclamations; the firſt *againſt Vice and Immorality*, and to ſtir up Magiſtrates to take care to execute the Laws. A ſecond taking Notice that Her Majeſty's Command had not been obeyed, nor the Laws executed to ſuppreſs Vice, and commanding the Magiſtrates to be careful to do their Duty herein: And, thirdly, a Direction that this Proclamation ſhould be read to the People out of the Desk: *And ſure*, ſaid he, *the reading them there, and preaching them, or the Subject Matter of them, in the Pulpit, are conſiſtent together.*

Mr. *Phipps* Speech.

MR. *Phipps* who ſpoke next, ſaid, they thought there was no Neceſſity of giving any Anſwer to the Fourth Article of Impeachment, becauſe they apprehended there was not any Offence charg'd upon the Doctor in that Article; for the Article ſaith, that *the Doctor doth falſely and maliciouſly ſuggeſt*, &c. That to ſuggeſt can amount to no more than to inſinuate, and is far ſhort of an Averment or Aſſertion; and whether a bare Suggeſtion or Inſinuation can be a ſufficient Foundation to ground an Impeachment,

peachment, was ſubmitted to their Lordſhips. But ſince 'twas made an Article againſt the Doctor, they humbly hoped they ſhould give as full an Anſwer to the Suggeſtions and Inſinuations contain'd in that Article, as they had to the Offences charged in either of the other Articles. That the firſt Part of the Article ſaith, *That the Doctor doth falſly and maliciouſly ſuggeſt that Her Majeſty's Adminiſtration, both in Eccleſiaſtical and Civil Affairs, tends to the Deſtruction of the Conſtitution.* In Anſwer to which it was offer'd, That the Doctor doth not any where mention Her Majeſty's Adminiſtration, either in Eccleſiaſtical or Civil Affairs. That he eſteem'd it one of the greateſt Bleſſings and Deliverances, *That Her Majeſty now happily ſits on the Throne of Her Anceſtors*; he pray'd, *that God would long preſerve Her, for the Comfort and Support of the Church*; he profeſſed, *That what he ſpake proceeded from a tender Concern for Her Majeſty and Her Government, and an hearty Zeal for the Honour and Safety of our excellent Church and Conſtitution*; he ſolemnly declared, *That his only Aim and Intention was earneſtly to contend for the Safety, Rights and Eſtabliſhment of Her Majeſty, together with thoſe of the Church:* And how after all this could it be Inferred, he ſuggeſted that Her Majeſty's Adminiſtration, in Eccleſiaſtical and Civil Affairs, tended to the Deſtruction of the Conſtitution, without carrying Innuendo's farther than ever had been attempted? That as for that Part of the fourth Article, which chargeth, that *the Doctor doth ſuggeſt that there are Men of Characters and Stations in the Church and State, which do themſelves weaken, undermine and betray, and do encourage and put it into the Power of others, who are profeſſed Enemies, to overturn and deſtroy the Conſtitution and Eſtabliſhment*; the Doctor denied he ſuggeſted any ſuch things concerning Men of Character and Stations. That he could not but obſerve what Art had been uſed to make up this Article, and he did not doubt but their Lordſhips would be of that Opinion; for the Doctor, in Page 22, mentions Men of Character and Stations, but does not mention Men of Character and Station in Church or State; but ſays, *there are Men of Character and Stations that ſhift and prevaricate with their Principles, and ſtart from their Religion upon any Occaſion of Difficulty*; which is a Charge upon them in their private Capacity, and does not charge them with any Misbehaviour in their Stations, or in any thing relating to the publick Adminiſtration; nor does he mention in that Place their Weakning, Undermining and Betraying, or the Encouraging or putting it in the Power of our profeſs'd Enemies to Overturn and Deſtroy the Conſtitution and Eſtabliſhment. That in Page 15, where he mentions *the Weakening, Undermining and Betraying in themſelves, and*

the Encouraging and putting it in the Power of our profeſſed Enemies to Overturn and Deſtroy the Conſtitution and Eſtabliſhment of both; there he does not mention Men of Character and Stations, but chargeth the Weakening, *&c.* on the *Falſe Brethren* in Church and State; ſo that he thought it very hard that a part of one Sentence in Page 22, ſhould be brought back ſeven Pages, and coupled with part of another Sentence, Page 15, and put together as one Sentence, to make an Article of High Crimes and Miſdemeanors; whereas one of the Sentences hath no manner of Relation to, or Dependance upon the other, and neither of the Sentences alone can amount to or be charged as a High Crime and Miſdemeanor. That by this Method they might have charged him with High Treaſon, or any other Crime. Nay, make the Scripture it ſelf ſpeak *Blaſphemy*.

'But ſuppoſe, ſaid he, it had been one entire Sentence, had this been a Ground for an Impeachment? By Men of Characters and Stations, muſt Men of the higheſt Characters and Stations be neceſſarily underſtood? No, my Lords: Are not Inferior Officers, even Conſtables, Mayors, Juſtices of the Peace, Officers of the Militia, Deputy-Lieutenants, Officers of the Army, Officers of the Cuſtoms, and other Branches of the Revenues, all Men of Stations? And are not ſome of theſe Stations very good ones? And are not many of the Perſons that enjoy them Men of Characters too? And if among all theſe there may be found ſome whoſe Conſciences are ſo tender, that they think it a Sin to Communicate with the Church upon any other Account than to Qualifie themſelves for their Offices and Stations; and ſuch who Vilifie her Orders, Calumniate, Miſrepreſent and Ridicule her Prieſts and Profeſſors; is it a High Crime and Miſdemeanor in the Doctor to call ſuch Perſons Falſe Brethren, and to Suggeſt that they are Enemies to our Conſtitution, and that they endeavour to Weaken and Undermine it? And yet this is all that can be infer'd from theſe two Pieces of Sentences put together, to form this Article. And does this bring the leaſt Blemiſh or Reflection on the Miniſtry, or thoſe of the higheſt Character and Stations in the Church? By no means; for the Miniſtry preſumes that Men in thoſe Inferior Stations are well-affected to our Conſtitution, when they qualifie themſelves according to Law, by taking the Sacrament and Oaths; and if any of them are not ſo, it cannot be preſumed to fall under the Notice of the Miniſtry: And in many Caſes, if they did know it, yet it would not be in their Power to Redreſs it. He added, That he remembred one Inſtance; in an eminent Borough in this Kingdom; that

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it was proved, at the Hearing of an Election for that Borough, that the Mayor declared that no Person should be admitted into the Corporation, and qualified to Vote for Members of Parliament, but such as were Dissenters from the *Test*; so that there may be Mayor, Alderman, and the whole Corporation who may take the Sacrament in the Church of *England*, and the Oaths, and yet every one Dissenters: And they may Elect Persons into much higher Stations, if they please, which are equally Disaffected to our Church, and it is not in the Power of Her Majesty or the Ministry to help it. And when these were such found among us, whether the Doctor, when he charged them for being *False Brethren*, could be said to reflect on the Ministry, and be guilty of High Crimes and Misdemeanors, he submitted to their Lordships. That the Learned Gentleman who spoke first to this Article, seemed to allow that Men of the highest *Character* and *Stations* were not intended; but he objected, that to charge the Inferior Magistrates with a Neglect of their Duty, was charging the Government with Male-Administration; in which Mr. *Phipps* could not concur with him. But as this Case was, he took it to be plain, that to charge Inferior Officers or Magistrates with a Neglect of their Duty, could not Reflect on Her Majesty's Administration; for there were Magistrates which Her Majesty could not remove; there were Neglects which Her Majesty or Her Ministry could not be presumed to know, and to set this in a true Light, and to give a full Answer to this Objection, they had Her Majesty's Authority to vindicate the Doctor in this Point; for Her Majesty charged the Magistrates with a Neglect of their Duty, and carried the Charge higher than could be inferr'd from the Doctor's Sermon; meaning the several Proclamations that had been issued by Her Majesty, by the Advice of Her Privy-Council (which are Her Ministry) for suppressing Prophaneness and Immorality. That those Proclamations take notice of the several Acts of Parliament against Prophaneness and Immorality, and charge the Inferior Magistrates with a Neglect of their Duty, in not putting those Laws in Execution; And was it an Offence for the Doctor to mention that in his Pulpit, which had been so often repeated by Her Majesty under Her Great Seal?

That it had been objected, that the Doctor, speaking of the Church, says, that *Her Adversaries are Chief*: Which was a Quotation out of Scripture, signifying that they are Mighty; but that this Reflected on the Ministry, or Her Majesty's Administration, he could not apprehend. That it was also objected, that the Doctor, Page 5, saith, *That the Communion of the Church hath been rent and divided by Factious and Schismatical*

tical Impostors, &c. That the saying, this was done with Impunity, was no Reflection on the Administration; for he thought it was sufficiently proved to their Lordships the Day before, that Blasphemy, Atheism and Prophaneness have been justified in Print; that the Worship and Discipline of the Church hath been prophaned and abused, her Orders denied and vilified, her Priests and Professors calumniated, misrepresented and ridicul'd; that Trumpets have been sounded to Rebellion; that Her Majesty and Her whole Administration have been Reflected on; and that it hath been done with Impunity hitherto, he believed would not be denied, for he had not heard that any of these bold Offenders had yet been punish'd; and that the Inferior Magistrates had neglected their Duty in that respect, they had Her Majesty's Authority for it. But that this was a Reflection on Her Majesty, or Her Ministry, was totally denied; for the Execution of the Laws against such Offenders was within the Province of Inferior Magistrates; and God forbid that the Faults of Inferior Magistrates should be charged upon Her Majesty. That the several Proclamations issued out by Her Majesty, by the Advice of Her Privy-Council, shew, Her Majesty and Her Ministry had done all that in them lyes to suppress Blasphemy, Prophaneness and other Vices, and that the Fault and Neglect lyes intirely at the Door of the Inferior Magistrates: And that this sufficiently Answer'd the Objection, that what is charged upon Inferior Magistrates cannot Reflect on Her Majesty, or Her Ministry. And this was also a full Answer to that Part of the Fourth Article, which Accuseth the Doctor with charging Her Majesty and those in Authority, both in Church and State, with a general Male-Administration; to which I would only add what the Doctor had said in his Answer to this Article, *viz.* "That he abhors the Thoughts "of bringing any charge against Her Sacred Majesty, whom "he never mentions but in Terms of the profoundest Duty "and Respect; That he doth not charge those in Authority "with any Male-Administration; That he doth not so much "as mention the Word *Male-Administration*, nor any other "Word Synonimous with it, or from whence it can be inferr'd, or in which it is or can be imply'd.

That as to such Part of the Fourth Article, which chargeth, that *the Doctor, as a publick Incendiary, perswades Her Majesty's Subjects to keep up a Distinction of Factions and Parties*; he invited the Dissenters to leave their Schism, and come sincerely into the Church. That he complain'd of those who had villainously Divided us with the knavish Distinctions of *High and Low Church*, and wish'd, *We were all one Fold under one Shepherd*, and that all those invidious Distinctions, that

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diſtract and confound us, were loſt. So that there was nothing in his Sermons which could be a Foundation for the Charge in this Branch of the Fourth Article. That it had been Objected, That tho' the Doctor invites the Diſſenters to come into the Church, yet he invites them upon his own Terms: *And I hope my Lords, ſaid Mr.* Phipps, *they ſhall never come in upon any other Terms than their Conforming to the Doctrine and Diſcipline of our Church. I hope I ſhall never ſee the Conſtitution of our Church weakned, and her Pales and Fences broke down, to let her Enemies into it.*

That as to the other Part of the Article, which chargeth the Doctor with *inſtilling groundleſs Jealouſies, and fomenting deſtructive Diviſions among Her Majeſty's Subjects*, there was no Foundation for it; for, on the contrary, he Rebuked and Condemn'd thoſe who by falſe Inſinuations, and raiſing groundleſs Jealouſies and Fears, embroil and bring it into Confuſion.

That as to that Part of the Fourth Article, which chargeth, That *the Doctor excites and ſtirs up Her Majeſty's Subjects to Arms and Violence*; If Preaching up *Paſſive Obedience* be to ſtir up People to Rebellion; If Preaching up the *Illegality of Reſiſtance* be to excite Her Majeſty's Subjects to take up Arms againſt Her, he own'd there was a ſufficient Ground in his Sermon for this Charge, but otherwiſe there was not one Paſſage in the Sermon to warrant this Accuſation.

That he did admit the Doctor, in the laſt Page of his Sermon, had this Exhortation of St. *Paul*'s; *Put on the whole Armour of God, that ye may be able to ſtand againſt the Wiles of the Devil; for we wreſtle not only againſt Fleſh and Blood, but againſt Principalities, againſt Powers, againſt the Rulers of the Darkneſs of this World, againſt ſpiritual Wickedneſſes in high Places.* I pray, my Lords, ſaid he, what is it that the Doctor in the Words of St. *Paul* adviſes his Auditors to reſiſt, is it not *the Wiles of the Devil?* With what Armour are they to reſiſt? 'tis with *the Armour of God.* What is the Armour of God? Are Guns, or Swords of Iron or Steel, the Armour of God? He added, That the learned Manager that ſpoke to this Point ſaid, the Doctor could not mean the ſpiritual Armour, becauſe he departed from the Apoſtle's Spiritual Meaning. And to make good this Charge, he uſed the ſame Method that was taken to make up the Firſt Part of this Article; for the Words cited by the Doctor were the eleventh and twelfth Verſes of the ſixth Chapter of St. *Paul* to the *Epheſians*, and to find out the Doctor's Meaning, he went back to the thirty firſt Verſe of the fourth Chapter, where St. *Paul* ſaith, *Let all Bitterneſs, and Wrath, and Anger, and Clamour, and Evil-ſpeaking be put away from you,*

with all Malice. And why this ſhould be alledged to ſhew what the Doctor meant, when in the Words of St. *Paul* he adviſed his Auditors to put on the Armour of God, he could not imagine. That if he had read but two Verſes after thoſe Words cited by the Doctor, he would have found the Armour of God to be *The Sword of the Spirit, the Shield of Faith, the Breaſt-plate of Righteouſneſs, and the Helmet of Salvation*; That the Doctor could mean no other Armour: And how Her Majeſty, or thoſe in Authority under Her, could be reſiſted by this Armour, or what Violence Her Majeſty's Subjects could uſe with theſe Arms, he ſubmitted to their Lordſhips. That 'twas plain, that the Principalities, Powers and Rulers, here meant, are not earthly Principalities, Powers and Rulers, but the Principalities, Powers, and Rulers of Darkneſs, againſt which Guns and Swords are but a very weak and feeble Defence: Which Things being conſider'd he thought there was nothing to be collected from this Paragraph, that could excite Her Majeſty's Subjects to Arms and Violence, unleſs it be to take the Armour of God, to reſiſt the Devil and all his Works; which he hoped was not a High Crime and Miſdemeanor.

That as a further Evidence that the Doctor excited Her Majeſty's Subjects to Arms and Rebellion, it was objected, that the Doctor, in his Sermon, Page 26, ſays, *Let us therefore, being well aſſured how much our Cauſe deſerves, and how much at preſent it requires our braveſt Reſolutions, hold faſt our Integrity and Religion without wavering, and earneſtly contend for the Faith which was once delivered to the Saints.* That this was wholeſome and religious Advice; that the more ſtrongly and openly the Cauſe is oppugned, the braver Reſolution it requires to defend it. That the Cauſe of Religion is attack'd by Atheiſts and Deiſts; the Cauſe of Monarchy by Aſſerters of Republican and Seditious Principles; the Cauſe of the Church, by Papiſts and Sectaries of all ſorts; and therefore it requires our braveſt Reſolutions to defend the Church, the Queen, and the Conſtitution, with the ſame Zeal they are attack'd, as the Doctor explains himſelf, *Not doubting, if we ſhew the ſame Courage and Indefatigable Zeal and Labour to defend, as our Adverſaries to reproach, divide, and ruin our Church; neither their united Malice nor Power, nor all the Plots and Machinations of* Rome, *nor the very Gates of Hell it ſelf, ſhall ever be able to prevail againſt Her.* And ſhall this, (ſaid he) be conſtrued to excite Her Majeſty's Subjects to Arms and Violence?

That as to the laſt part of the Article, which chargeth, That *The Doctor doth wickedly wreſt and pervert divers Texts of Holy Scripture*: It ſeem'd, the Printer of the Second Edition miſtook one Text. That if the Doctor had perverted or wickedly

keedly wreſted the Text, he muſt have been ſubject to a Proſecution in another Place; but it would not have been a ground for an Impeachment of High Crimes and Miſdemeanors.

Upon the whole matter, That if Condemning the Dethroning and Murdering the Royal Martyr King *Charles* the Firſt, be to caſt black and odious Colours on the late King and the Revolution; If the averring the utter Illegality of Reſiſtance to the Supreme Power in *all things lawful*; if Preaching the Doctrine of *Paſſive Obedience and Non-Reſiſtance*, which hath been enjoined by our Church, and confirmed by the Legiſlature, and is the Doctrine of all Chriſtian Churches, ſhould be conſtrued to be a Reflection on the Revolution, and a greater Reflection on it now, than the Preaching of the ſame Doctrine was in the Reign of his late Majeſty, who was the happy Inſtrument of that Revolution; if the Doctor be a Criminal for preaching that Doctrine which the Fathers of our Church, and other eminent Divines had Preach'd, with the Approbation and Applauſe of the Crown, and both Houſes of Parliament, then the Doctor was guilty of the *High Crimes and Miſdemeanors in the Firſt Article.*

That if to wiſh that Diſſenters, who qualifie themſelves according to the Act, may enjoy the full Benefit of it; if to deſire the Laws to be put in Execution againſt ſuch who will not comply with the Terms preſcribed by the Act, and againſt Atheiſts, Deiſts, and ſuch who frequent no Religious Worſhip at all, and are particularly excepted out of the Act of Toleration; and if to aſſert that a Sentence Ratified in Heaven cannot be reverſed on Earth, be to *affirm the Toleration unreaſonable, and the Allowance of it unwarrantable*, then the Doctor was alſo guilty of the *High Crimes in the Second Article.*

That if to aſſert the Prejudice the Church receives by Schiſm and Occaſional Conformity; if the ſhewing the heavy Judgments which may be brought down upon a Church and Nation by Blaſphemy, Atheiſm, Prophaneneſs and Immorality; if to ſhew the Danger the Queen and Church are in, by the rebellious Principles that are daily broach'd and publiſh'd, be to aſſert the Church is in Danger under Her Majeſty's Adminiſtration, the Doctor was likewiſe guilty of the *Crimes* in the *Third Article.*

And laſtly, That if to pray for Her Majeſty's long Continuance on the Throne, for the Comfort and Support of the Church and Nation; if to ſhew that the Laws againſt Atheiſm, Blaſphemy, Prophaneneſs and Irreligion be not put in due Execution by inferior Magiſtrates; that is, if to aſſert in his Pulpit what Her Majeſty, by Advice of Her Miniſtry, hath

hath aſſerted in four Proclamations, be to reflect on Her Majeſty and Her Miniſtry, and to charge Her Majeſty with Male-Adminiſtration in Church and State; and if exhorting the People to *put on the Sword of the Spirit, the Shield of Faith, the Breaſt-plate of Righteouſneſs, and the Helmet of Salvation*, to reſiſt the Devil, and all the Powers of Darkneſs, be to excite Her Majeſty's Subjects to Arms and Violence againſt Her Majeſty; and if Preaching up Paſſive Obedience and Non-Reſiſtance is to ſtir up People to Rebellion, then the Doctor was guilty of the High Crimes and Miſdemeanors in the Fourth Article, eſpecially if *ſtrain'd, foreign* and *unnatural Inferences, Inſinuations* and *Innendo's* were to paſs for Proof. But otherwiſe Mr. *Phipps* preſum'd to ſay the Doctor was not guilty of any of the Offences charged in either of the Articles, and he humbly hoped their Lordſhips would be of that Opinion.

Mr. Dee's *Speech.* MR. *Dee*, who ſpoke next in the Doctor's Defence ſaid, that the Fourth Article was ſhort of the former Articles in the manner of the Charge: For the firſt Part of it was a Charge upon the Doctor, that he *ſuggeſts* only, *That Her Majeſty's Adminiſtration tends to the Deſtruction of the Conſtitution.* That as to this Part of the Article (as had been obſerved) there was no paſſage in the Sermon mentioning Her Majeſty, but with the greateſt Reſpect, and with hearty Prayers for her. That the Words *Miniſters*, or *Miniſtry*, were not found in the whole Sermon: Therefore, to find any Charge on them by the Doctor, they muſt look to the Second Part of the Article, which charges the Doctor with ſuggeſting, *That there are Men of Character and Stations who are Falſe Brethren, and do undermine the Conſtitution, and endeavour to betray the Church, and* conſequently *charges Her Majeſty with a General Male-Adminiſtration.* That as to this Part of the Charge, *viz.* That the Doctor doth ſuggeſt, that Men of Character and Stations are Underminers of our Conſtitution, it was not to be found in any part of the Sermon; but if he did ſuggeſt that Men of Character and Stations (not ſaying of what Characters, or what Stations) are Falſe Brethren (if their Lordſhips took Notice what thoſe Men are, whom the Doctor calls Falſe Brethren) it would not be a ſufficient Ground for a Charge of High Crimes and Miſdemeanors: That there were four ſorts of Perſons that the Doctor charged as Falſe Brethren, Thoſe that propagate Falſe Doctrines, Thoſe that give up the Diſcipline of the Church, Thoſe that are for a Neutrality in Religion, and Thoſe that own themſelves to be of the Church, but live not according to her Rules. That to ſay that there are ſome Men of Character and Stations in the Nation that are Falſe Brethren, within ſome

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one or other of these Descriptions, He wish'd he could say it was not true. But when the Doctor comes to charge some Persons as Underminers of the Church and Constitution, they were described to be either those Persons that subvert the Fundamentals of Religion, as Atheists, Deists, Socinians, and such like, or Occasional Conformists, Persons that creep into the Church only with a Design to do it Mischief. And He thought these Persons might be justly said to be Underminers of the Church. That as to the General Charge against the Doctor, *that he excites the People to Rebellion*, if this could be naturally inferr'd from his Words, he must be guilty of Self-Contradiction, and ought rather to be pityed as a weak, foolish Man, than punished as a cunning Incendiary: For when he had so positively affirmed the utter Illegality of Resistance to the Supreme Power, if any thing had dropt from him in the same Assembly tending to *Rebellion*, he would have exposed himself to the utmost *Ridicule*. That Some things had been observed out of the Preface to his Sermon at St. *Paul's*; one Expression was that of *sounding a Trumpet*, which he should not have thought worth taking notice of, but that some of the Gentlemen did lay some stress on it, as if this were sounding an Alarum, exciting People to Arms. That he conceiv'd that the Words out of the Mouth of the Doctor bear the same Sense as out of the Mouth of the Prophet. But for fear he should be misconstrued, the Doctor explain'd himself by the Words immediately following, and shew'd that such Prohibition or Restraint laid on the Clergy, as are there suggested, are expressly contrary to the Command of God: His Words being these; *We are told by these Men, who would shut both our Eyes and our Mouths, in order the more effectually to undermine and destroy us, that the Pulpit is not a Place for Politicks, and that it is the Business of a Clergyman to preach Peace, and not sound a Trumpet in* Sion; *so expressly contrary to the Command of God, to cry aloud and spare not*: So that these Words did plainly interpret what the Doctor meant by sounding a Trumpet.

That there was another thing taken Notice of from this Preface, and that was the Encouragement he gives to People to Arms and Violence against such as would destroy the Church, *&c.* The Words of the Doctor are these; *If honest Men will sit still, and give up their Cause through want of Courage, or a just Sense of the dangerous Attempts of our Enemies, we may, without the Spirit of Prophecy foretel, what will become of our Constitution, when it is so vigorously attacked from without, and so lazily defended from within.* This was looked upon as dividing the People, and exciting them to make Resistance. But if the Gentlemen had looked a little before, in the same Paragraph, they would have found who the Assailants he mentions

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tions were, and then they would not have blamed the Doctor for encouraging the People to make a vigorous Defence. That the Aſſailants are thoſe that make Rebellious Appeals to the People, as the only Judges of Right and Wrong, and the *Dernier Reſort* of Juſtice and Dominion: *Theſe*, he ſays, *are the faſhionable Methods now made uſe of to undermine the Church and Legiſlature, by breaking in upon the Prerogative of the Crown, by threatning them with imaginary Legions, and a popular Tribunal, where their Authority is to be tryed and determined*: To put a ſtop to this thing, is what he ſays is the Intent of his Diſcourſe. Now if theſe are the Perſons that attack the Conſtitution, that appeal to the People as the only Judges of Right and Wrong, if theſe are the Aſſailants, ſurely the Doctor may encourage the People vigorouſly to defend themſelves againſt them.

That there was one thing more taken Notice of by the Gentlemen Managers, that the Doctor had given great Offence to the Commons by an Expreſſion he had made uſe of, by way of Exclamation, in the cloſe of his Anſwer to the Articles; and that runs thus; *Hard is the Lot of the Miniſters of the Goſpel, if when they cite the Word of God in their general Exhortations to Piety and Virtue, or in their Reproofs of Men's Tranſgreſſions, or where they are lamenting the Difficulties and Conflicts with which the Church of Chriſt, whilſt Militant here on Earth, muſt always ſtruggle, the ſeveral Texts and Paſſages by them cited ſhall be ſaid to have been by them meant of particular Perſons and Things, and ſhall be conſtrued in the moſt Criminal Senſe, and be made by ſuch Conſtruction one Ground of an Impeachment for High Crimes and Miſdemeanors.* That if this Suppoſition, as the Doctor had put it, be turned into a Poſition, he hoped their Lordſhips would pardon him for his Exclamation. If Generals had not been tied to Particulars, to make up theſe Articles, then the Doctor had no reaſon to make this Exclamation; but if the Doctor's Sermon had been ſo treated, in order to frame the Articles againſt him, then he was not blamable for that Expreſſion. That the Doctor had never before been charged with Diſloyalty to the Government; he had always been a Man of that Probity, and of ſo blameleſs a Life and Converſation, that he had not been ſo much as attacked on that Account. And when a Man of his Character was brought before their Lordſhips for a Sermon preached in a publick Congregation, for a Doctrine that is the Doctrine of the Church of *England*, and for which he has the Authority of ſo many of the Fathers of that Church, as well as of many of her Learned Sons, by an *Impeachment* on that Account, ſurely he might be allowed to ſay this: *His Lot* (at leaſt) *is hard, that he ſhould be made the Firſt and ſo Solemn*

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Example, when he only followed ſo many and great Examples, as have been ſet him from the Beginning of the Reformation down to this Time. Concluding, that when their Lordſhips conſider'd the Circumſtances of the Doctor, he hoped they would think that the Defence of this Proſecution muſt be a ſufficient Puniſhment for any the Crimes he was charg'd with, and of which he could be ſuppoſed Guilty; and he ſubmitted him and his Cauſe to their Lordſhip's Juſtice.

Dr. Henchman's Speech.

DR. *Henchman*, who ſpoke laſt in the Doctor's Behalf, ſaid, That in the General Preamble to the Articles of Impeachment, Doctor *Sacheverell* was ſaid to have preached and publiſhed two Diſcourſes, with *an Intention to defame her Majeſty's Adminiſtration*; and that this laſt Article contain'd ſeveral particular Charges of a very high Nature, and great Malignity againſt Her Majeſty's Happy Adminiſtration.

That for a General Anſwer to this Article he muſt beg their Lordſhips Patience to look back again upon thoſe Paſſages of this Sermon, which he offer'd to their Lordſhips Conſideration under the Third Article, which would ſet the Doctor's Intentions in a clear Light. That in one of them he readily acknowledges the great Bleſſing we at preſent enjoy by Her Majeſty's happily ſitting on the Throne of her Anceſtors; and in the other places where he mentions Her Majeſty, it is with great Reſpect, and hearty Addreſſes to God long to preſerve Her on that Throne; and at laſt, concludes with this ſolemn Proteſtation, That what he had then ſpoken *proceeded from a good Intention, and tender Concern for Her Majeſty's Perſon and Government, and a hearty Zeal for the Honour and Safety of our Excellent Church and Conſtitution.* That ſome Regard is to be had to the Declarations of every honeſt Man, in relation to his own Thoughts and Intentions, which are known only to God and his own Conſcience; and certainly when a Prieſt of the Church of *England* does, in the Preſence of God, and Face of the Congregation, ſolemnly declare, that what he ſpeaks is with a tender Concern and hearty Zeal for Her Majeſty's Perſon and Government, no looſe Words, or diſtant and unconnected Expreſſions, ought to be conſtrued to a direct contrary Senſe of ſo expreſs a Declaration. That the Senſe of theſe Words is plain and obvious to every Man's Underſtanding; but if a Paſſage in the two and twentieth Page of this Sermon, in it ſelf, and as it ſtands in its proper Connection, not Criminal, muſt be conſtrued by what is ſaid in the fifteenth Page, little relating to the ſame Purpoſes, and both theſe Paſſages explain'd by a third ſtill farther diſtant, by ſuch a Method the moſt inoffenſive Diſcourſe might

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be made blameable, and it would be very difficult to make any Defence. That it had been objected by the Learned Managers that the Doctor choſe an Unſeaſonable Time, and an improper Place, to vent his Notions in: But how did it appear, that either the one or the other was of his own Choice? Did it not rather appear, that he was call'd to perform that Duty by the Publick Magiſtrate, and that both the Time and Place were of his Appointment? Or how could it at this time be thought Unſeaſonable to maintain the Doctrine of our Church, when ſuch Swarms of Infamous Libels are daily publiſhed in Oppoſition to it? Or what Place could be more proper for this Purpoſe, than that in which ſuch Libels uſually firſt appear, and moſt prevail? That whether the Doctor performed his Duty, by preaching that Doctrine there, which the Rubric of our Liturgy expreſly commands him to teach on that Day, muſt be ſubmitted to their Lordſhips. That certainly it will always be thought proper, on that Day, that our Church and State were delivered from a moſt horrid Popiſh Conſpiracy, to preach againſt the Sin of Rebellion, and to ſhew that Reſiſtance of the Higher Powers is the Doctrine of Papiſts, and firſt proceeded from them. That it was well known to their Lordſhips what the general Duty of Miniſters obliges them to; but upon *State-Days*, when they are commanded by Supreme Authority, and directed by the Rubric, what Subject to treat of, it would be Contempt in them not to obey the Commands of their Superiors, or not to inſiſt upon that Doctrine which they are peculiarly ordered to explain: And he humbly apprehended that thoſe Reverend Prelates, ſome of whoſe Expreſſions were lately read to their Lordſhips, would not have received the Thanks of this Honourable Houſe, if they had not adapted their Diſcourſes to the Solemnity of that Day, which they then celebrated. That upon a general View of this and the other Articles, the whole Charge would appear to be ſupported, not by any one plain Propoſition, but by Inferences and ſuppos'd Conſtructions. That it had been his (Dr. *Henchman*'s) Endeavour, under every Article, to lay before their Lordſhips one or more clear paſſages of this Sermon, which ſufficiently declare the Author's Intention as to that Article; and he muſt leave it to their Lordſhips Conſideration how far an Inſinuation or Inference would be outweigh'd by an expreſs Declaration. That if there were any Words in this Diſcourſe which ſeem'd to bear a doubtful Meaning, their Lordſhips would in all Caſes incline to the moſt favourable Side; and in this Particular, the Character and Function of a Miniſter would deſerve ſome more than ordinary Allowance. That it is a known Rule in the *Roman* Law,

Law, *In ambiguis orationibus maxime ſententia ſpectanda eſt ejus qui eas protuliſſet.* Wherever Words are capable of a double Conſtruction, there the Intention of the Speaker is chiefly to be look'd after, and attended to. That every Man has a Right to explain his own Intentions, and the darker and more obſcure Expreſſions of his Diſcourſe muſt be conſtrued by thoſe Paſſages which are more plain and explicit: That this is a Rule in all Civil and common Caſes between Man and Man, but in Criminal Caſes there that Law exacts a ſtricter and a nicer Proof; wherever the Life or Liberty of a Citizen is concern'd, there the Proofs ought to be *Lucè meridianâ clariora*, as evident as the Sun at Noon-Day, and ſuch as will convince every one at firſt Sight. That he mention'd theſe Maxims of the *Roman* Law only as they are agreeable to the common Senſe and Underſtanding of Mankind, as Rules of Reaſon and Equity, which their Lordſhips had always govern'd themſelves by, and always would. That the laſt of 'em he mention'd with the greater Confidence, becauſe he found it had once already received the Sanction of this Honourable Houſe, in Sir *Samuel Barnardiſton*'s Caſe, in which it is declared, *That Innuendo's or ſuppos'd Conſtructions ought not to be allowed, for all Accuſations ſhould be plain, and the Crimes aſcertain'd.* That this had once been the Reſolution of this Honourable Houſe, and they humbly hoped their Lordſhips would not depart from a Precedent ſo well eſtabliſhed. Concluding, that one Part of this laſt Article was, that the Doctor had *wreſted ſeveral Texts of Scripture* to ſeditious Purpoſes; but it had not yet appeared that he ever harboured one ſeditious Thought: And whether he had perverted any Texts of Scripture would be beſt explain'd by himſelf, when their Lordſhips ſhould be pleaſed to hear him.

After this, at Mr. *Dodd*'s deſire, the *Clerk* read Two Proclamations; the Firſt, *For Reſtraining the Spreading Falſe News, and Printing and Publiſhing of Irreligious and Seditious Papers and Libels*, given at *Whitehall* the 26th day of *March*, 1702, in the Firſt Year of Her Majeſties Reign; the Second given at St. *James*'s, the 25th day of *February* in the ſame Year, *For the Encouragement of Piety and Virtue, and for the Preventing and Puniſhing of Vice, Prophaneneſs, and Immorality.*

After the Reading of theſe Two, Mr. *Dodd* ſaid, there were Two ſubſequent Proclamations preſſing Magiſtrates to put the Laws in Execution in this caſe, but they were to the ſame purpoſe, therefore they thought they needed not ſpend their Lordſhips time to read them. That they had now done their Defence, only they had one Petition to make, that their Lordſhips would be pleaſed to hear the Doctor ſpeak for himſelf: There being ſome things more proper for him to give

an Account of, than for his Council. That they apprehended the moſt proper Time would be after the Gentlemen Managers for the Houſe of Commons had Replyed; but they thought it proper to mention it now, and humbly ſubmitted it to their Lordſhips. Mr. *Phipps* added, that the Reaſon why they troubled their Lordſhips with reading thoſe Proclamations, was to ſhew their Lordſhips, that the inferior Magiſtrates being negligent of their Duty, in putting the Laws in Execution againſt Prophaneneſs, Her Majeſty put out another Proclamation to quicken them to it; therefore when the Dr. charged the Magiſtrates with a neglect of their Duty, it could not be underſtood to be a Reflection on the Queen or the Miniſtry, becauſe their Lordſhips ſaw what great Care Her Majeſty had taken; ſo that they thought this laſt Article was ſufficiently clear'd by theſe Proclamations. Concluding, that they had not troubled your Lordſhips with the Journal of their own Houſe in the Caſe of Sir *Samuel Barnardiſton*: But if the Gentlemen of the Houſe of Commons did not admit of it, they were ready to read it.

Hereupon Sir *Joſeph Jekyll* ſaid, he had the Commands of the Gentlemen employed in this Service with him, to mention to their Lordſhips, that they were under a great Surprize, that the Council for the Dr. ſhould take upon them to propoſe to their Lordſhips, that the Dr. might ſpeak after the Commons Reply; and that he had Inſtructions (ſince the Doctor's Council had referr'd ſome part of the Defence to himſelf) to tell the Dr. that if he had any thing to ſay for himſelf, now was his Time, before the Commons Reply; the Commons claiming it as their Right to ſpeak laſt. Mr. *Dodd* ſubmitted to it, and deſired the Dr. to go on: Hereupon Dr. *Sacheverell*, Addreſſing himſelf to the Lords, ſaid,

Dr. *Sacheverell*'s Speech.

'THAT the Defence made by his Council had been ſo full, and particular, 'and the Tryal it ſelf drawn into ſo great a Length, that 'he ſhould not add to their Lordſhips Trouble by ſaying any thing for himſelf, did he not think that in ſuch a 'Cauſe, as this, (wherein the Doctrine of our Church, the 'Dignity of that Holy Order to which he beleng'd, and 'even the Common Intereſt of Chriſtianity it ſelf, were ſo 'nearly Concern'd) it became him not to be altogether ſilent.

'For it has been own'd by ſome of the Managers for the 'Honourable Houſe of Commons, that tho' he was the Perſon Impeach'd, yet his Condemnation was not the thing 'principally aim'd at. That he was, it ſeems, an inſignificant Tool of a Party, not worth regarding; that the 'avow'd Deſign of his Impeachment was, by the means of

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it to procure an Eternal and Indelible Brand of Infamy to be fix'd, in a Parliamentary way, on all thoſe who maintain the Doctrine of Non-Reſiſtance, and to have the Clergy directed what Doctrines they are to Preach, and what not. And therefore, as Inſignificant as he was in himſelf, yet the Conſequences of his Tryal (if rightly repreſented to their Lordſhips by ſome of thoſe Gentlemen) were of the higheſt Moment, and Importance. That ſince he was the unfortunate Occaſion of bringing theſe Matters in Judgment before their Lordſhips, it would behove him, he thought, after what had been Pleaded in his behalf by his Council learned in the Law; to ſay ſomewhat alſo for himſelf, in order to clear the Innocence of his Intentions, and remove that load of Guilt and Infamy, which might be laid upon him, ſhould their Lordſhips determine, (as, he truſted in God, they would not) that the Articles of Impeachment Exhibited, had been made good againſt him.

'That with their Lordſhips Permiſſion then, he ſhould lay before them ſome few General Remarks, which in his humble Opinion might be added to what his Council had already obſerv'd, concerning the Methods taken by the Managers for the Honourable Houſe of Commons, to Prove and Support the Articles of their Charge. And ſhould then, with their Lordſhips leave, ſay ſomewhat ſeverally to the Articles themſelves, which might ſerve to Remind their Lordſhips of what his Council before offer'd more at large, and with greater Advantage.

'That the Charge brought againſt him in theſe Articles was of a very High, and Heinous Nature; and had it been as clearly made out, as it had been ſtrongly affirm'd, it would juſtly have expos'd him to a very ſevere Sentence. But the more heinous the Charge was, the more evident and undeniable he ſhould think, the Proof ought to be. And how, my Lords, ſaid he, has this Charge been ſupported in the ſeveral Articles of it? By plain, direct, and expreſs Paſſages produc'd, and read to your Lordſhips out of my Sermons; or by Intendments, unneceſſary Implications, and ſtrain'd Conſtructions? By laying entire Sentences before your Lordſhips, and relying upon what was manifeſtly contain'd in them; or by piecing broken Sentences, and conjoining diſtant and independent Paſſages, in order to make me Speak, what I never thought of?

'That he was unacquainted with the Methods of legal Proof, and little thought he ſhould have had this Occaſion of enquiring into them. But, as far as he was able to Comprehend any thing of this Nature, he ſhould think, that there could not be a clearer Indication that he was

' not Guilty of having aſſerted what he was Charg'd by the
' ſeveral Articles to have ſaid, than that ſo many hours
' Learning and Eloquence had been Employ'd in proving him
' to have ſaid it. That had he really affirmed thoſe Propo-
' ſitions for which he was accus'd, his Sermons being before
' their Lordſhips, the Places wherein ſuch Propoſitions were
' directly contain'd, might have been referr'd to, and read,
' with the ſame Eaſe as his Council referr'd to the Paſſages
' contain'd in the ſeveral Writings and Sermons of the Re-
' verend Fathers, and other Eminent Divines of our Church,
' wherein they Taught the Doctrine of Non-Reſiſtance in the
' ſame Extent as he Maintain'd it, or in Terms much ſtronger.

' That theſe Paſſages, produc'd by his Council, were bare-
' ly Read to their Lordſhips: No Argument, no Colours
' were us'd, becauſe none were neceſſary, to prove what
' Propoſitions were laid down in thoſe Paſſages; Whereas,
' to prove him Guilty of having aſſerted what was laid to
' his Charge, after his Sermon and Prefaces were Read to
' their Lordſhips, much Art and Induſtry were us'd to per-
' ſwade their Lordſhips, that ſuch Aſſertions were really
' contain'd in them.

' That when his Words were capable of two Senſes, the
' worſt, and moſt invidious tho' at the ſame time the moſt
' ſtrain'd, and unnatural Conſtruction, had been always made
' of them. Nay, when his Words were ſo plain and expreſs,
' that it was impoſſible to put any criminal Gloſſes or Colours
' upon them, he had been Accus'd of meaning the direct con-
' trary to what he had ſaid: And when he preſs'd the Duty
' of Allegiance to the Queen, their Lordſhips were told, that
' it was moſt certain, he meant the *Pretender*.

' That to Aggravate his Guilt, he had been Accus'd not
' only for what he was ſuppos'd to have ſaid, but for what
' he was allow'd not to have ſaid:, Not only for what he
' had taken notice of in his Sermons, but for what he had
' paſs'd by unobſerv'd: He had been Charg'd with Negative
' Crimes; as if what he omitted to ſay, had been omitted
' with Deſign, and his Silence it ſelf were Criminal.

' That theſe were the Methods, that had been made uſe
' of to prove him Guilty of Crimes, which if prov'd, might
' affect his Liberty and Fortune; no favourable Allowances
' had been made to a Miniſter of the Goſpel, diſcharging
' the Duty of his Function, and rebuking Vice and Irreli-
' gion with an honeſt and well-meant Zeal, but ſometimes
' perhaps carrying him into Expreſſions too open, and un-
' guarded. That he could add, if ſuch a Complaint might
' not be thought improper from one in his Circumſtances, that,
' in the courſe of his Accuſation, he had been ſtil'd a Cri-
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minal, and treated as such by some of those Honourable Gentlemen, with a degree of Scorn and Indignity, from which he hop'd his Sacred Profession, his present unhappy Condition, and a Regard to that Solemn and Awful Judicature might have screen'd him. But that he laid aside all Complaints of this Nature, and with their Lordships leave should proceed to make some few short Observations upon the several Branches of the Charge Exhibited against him.

'That he was Charg'd in the First Article, with having Maintain'd, That the necessary Means us'd to bring about the late Happy Revolution were Odious and Unjustifiable; in proof of which it had been urg'd, that he had in General Terms asserted, the utter Illegality of Resistance to the Supreme Power upon any Pretence whatsoever. But that the Resistance in that Passage by him Condemn'd, was no where by him applied to the Revolution; nor was it applicable to the Case of the Revolution, the Supreme Power not being then Resisted.

'That he neither expressly apply'd his Doctrine of Non-Resistance to the Case of the Revolution, nor had he the least Thoughts of including the Revolution under his General Assertion. That he express'd this Doctrine in the same General Terms in which he found it deliver'd by the Apostles of Christ; he Taught it as he had Learnt it from the Homilies of our Church, and as he was injoin'd to Teach it, by the Articles of our Religion. That he us'd no other Language, than what had been us'd by our first Reformers, by a continued Series of Right Reverend Prelates, and other Celebrated Divines now with God, and by many of those Venerable Fathers, before whom he stood, and what was perfectly agreeable to the Laws, and Statutes of this Realm. That he had little Reason to apprehend that he could ever have been Accus'd by the Gentlemen of the House of Commons to their Lordships as a Criminal, or as an Aspersor of the Memory of the late King, for Preaching this Doctrine; when others, who Preach'd the same Doctrine, in the same Terms, before their late Majesties, before our present Gracious Soveregn, (whom he pray'd God long to Preserve!) before each House of Parliament, before this very House of Commons, had met with Publick Approbation: But since it was his singular Misfortune to be Accus'd, for what others had receiv'd Thanks, in some Instances convey'd to them, by Several of the Managers themselves, he did with all humble Confidence rely upon their Lordships Justice; not doubting but that the Learned the Judges, if thought necessary to be consulted, would declare, what he had in this Case Asser-

ed, to be Warranted by Law, and the Right Reverend the Biſhops, would affirm it to be the Doctrine of the Goſpel.

'That the Doctrine he Preach'd being the Doctrine of the Homilies of our Church, not expreſs'd only in a few particular Paſſages of thoſe Homilies, but perfectly agreeable to the whole Tenor, the main Scope and Deſign of them; and thoſe Homilies being Eſtabliſh'd by the Thirty Nine Articles, as containing godly and wholeſome Doctrine; and thoſe Articles being confirm'd by the 13th of Q. *Elizabeth*, and that Statute being made Perpetual, and Fundamental to our Conſtitution by the late *Act of Union*; he left it to their Lordſhips to conſider, how far the Condemnation of him, on the account of that Doctrine, might affect, and ſhake the preſent Frame of the Britiſh Conſtitution, in Church, and State, and tend to Diſſolve the Union of the Two Kingdoms.

'That upon the ſecond Article, he would humbly pray their Lordſhips to conſider, that he had no where in his Sermon ſhewn any the leaſt Diſlike of the Indulgence granted by Law to Diſſenters; that on the contrary, He had declared his Approbation of it in the moſt expreſs Terms imaginable, which he begg'd leave once more to repeat to their Lordſhips out of his Sermon preach'd at St. *Paul's*. I would not (he there ſaid) be miſunderſtood, as if I intended to caſt the leaſt invidious Reflection upon that Indulgence, which the Government hath condeſcended to give them; which I am ſure, all thoſe, who Wiſh well to our Church, are ready to grant to Conſciences truly Scrupulous; let them enjoy it in the full Limits the Law hath preſcrib'd.

'That this then, and ſtill was his ſincere Opinion, nor was he conſcious that he had uttered one Word inconſiſtent with it. He had indeed blam'd, and perhaps with ſome Warmth and Earneſtneſs blam'd the Abuſes, which Men of no Conſcience, have made, of the Legal Exemption, granted to Conſciences truly Scrupulous: Nor could he think that thoſe Reprehenſions of his, would have drawn upon him the Diſpleaſure of any ſincere Chriſtian, which were levell'd againſt Hypocrites, Socinians, Deiſts, and ſuch as, under the Umbrage of that Act, which permits Proteſtant Diſſenters, and thoſe only, to ſerve God, every Man in his own way, think themſelves at Liberty to be of no Proteſtant Congregation, of no Religion at all. That he would farther ingenuouſly own to their Lordſhips, that he had in his Eye ſome Abuſes made of that Act by the Diſſenters themſelves; who, he was told, do (both Paſtors and People) rarely obſerve the Qualifications preſcrib'd by that Act; and who erect Seminaries for Educating

‘ cating Youth in Principles oppoſite to the Doctrine, Diſci-
‘ pline, and Worſhip of our Church: Whereas that Act was
‘ intended for the Eaſe of thoſe, whoſe Minds through the
‘ unhappy Prejudices of Education, were already Eſtranged
‘ from the Church; not, as he humbly conceived, to indulge
‘ Men in taking the moſt effectual Methods to Propagate,
‘ and Perpetuate their Schiſm.

‘ That of any Favours to Diſſenters granted, or intended
‘ by the Law, he had no where complain'd; of Toleration,
‘ a word unknown to our Laws, and implying, as he was
‘ inform'd, much more than our Law-Givers deſign'd, if he
‘ had ſaid any thing Offenſive, he might, he hoped, reaſo-
‘ nably preſume, that it would not be judg'd by their Lord-
‘ ſhips in any wiſe to reflect on that *Act of Exemption*, which
‘ he had ſpoken of in Terms, no ways, he thought, misbe-
‘ coming a good Subject, or betraying any want of Chriſtian
‘ Moderation. Nor was there any want of it, he conceived,
‘ in affirming that this Act, which relieves ſome Diſſenters
‘ from legal Puniſhments, to which they were before Obnoxi-
‘ ous, hath not any ways alter'd the Nature of Schiſm, or
‘ extinguiſh'd the Obligations to Church-Communion; which
‘ is an Evangelical Duty, incumbent on all Chriſtians, by
‘ the Rules of the Goſpel, Antecedent to all Secular Laws,
‘ and can by no Human Power be Diſpens'd with. That if
‘ the Church of *ENGLAND*, impoſes no unlawful Terms
‘ of Communion, as She certainly does not, then all Separa-
‘ tiſts from her Communion, will, notwithſtanding the In-
‘ dulgence, continue to be Guilty of Schiſm; the Conſe-
‘ quence of which Guilt, may ſtill reſt upon their Souls,
‘ however it may ceaſe to Affect their Bodies or Eſtates: For
‘ as no human Law can render that Lawful which God hath
‘ forbidden, ſo neither can it make that *Void*, which God
‘ hath Commanded.

‘ That he was Accus'd, under this Head, of Maintaining,
‘ that it is the Duty of Superior Paſtors to Thunder out their
‘ Eccleſiaſtical Anathema's againſt Perſons Intitl'd to the
‘ Benefit of the Toleration; but he hoped, it had evidently
‘ appear'd to their Lordſhips, that he advanced no ſuch Poſi-
‘ tion. Sure he was, that his Words did not in themſelves
‘ carry ſuch a Meaning, nor did the Connexion of his Diſ-
‘ courſe require that Senſe, or eaſily admit it. That Schiſ-
‘ maticks, are not the only Perſons againſt whom Eccleſiaſti-
‘ cal Cenſures may be denounced; the Works of Darkneſs,
‘ which he refer'd to, as fit to be Reprov'd, in that Part of
‘ his Sermon, where he ſpeaks of theſe Cenſures, are of the
‘ ſame kind with thoſe mentioned by the Apoſtle, whoſe
‘ Words he produc'd, all Lewd and Immoral Practices; that

' againſt theſe, and againſt Hereſies, and Blaſphemies, (a ' black Catalogue of which had been Diſplay'd before their ' Lordſhips) he thought the Anathema's of the Church ' would be well employ'd; ſuch Anathema's he doubted ' not, would be ratified in Heaven, and would therefore, by ' any Power on Earth, be Irreverſible.

' That as to Archbiſhop *Grindal*, tho' he might ſeem to ' have us'd ſome undue Aſperity of Expreſſion concerning ' him, yet he charg'd him with nothing but what he had ' good Grounds for, from our Hiſtorians: It having been ' made appear to their Lordſhips, that, on the Account of ' his Remiſſneſs in Church-Government, he liv'd and dy'd ' under the High Diſpleaſure of Q. *Eliz.* and whether there- ' fore he, or that Glorious Queen, ſhould bear the Blame of ' his Diſgrace, and Sufferings, was with all Humility ſub- ' mitted to their Lordſhips.

' That he hoped, he ſtood Clear in their Lordſhips Opini- ' ons, of the Charge advanc'd againſt him, in the Two firſt ' Articles; and as his own Conſcience did, ſo he truſted ' their Lordſhips would Acquit him, of whatever was laid ' to his Charge in the third.

' That he neither had Suggeſted, nor did in his Conſcience ' believe, that the Church is in the leaſt Peril or Adverſity ' from Her Majeſty's Adminiſtration. So far was he from any ' ſuch Thoughts, that he was entirely ſatisfied of Her being ' a moſt affectionate Nurſing-Mother to it. But he hoped ' he might ſay without Offence, that the Church may be in ' Peril from other Cauſes, without any Reflection upon Her ' Majeſty's Government, or any Contradiction to Her Royal ' Proclamation, and the Reſolution of both Houſes of Parlia- ' ment, four Years before. That if the Church be in Dan- ' ger, when the Chriſtian Religion is evidently ſo, he hoped ' it would be thought no Crime to ſay, it had ſcarce ever ' been in greater Danger than it was at preſent, ſince Chriſt ' had a Church upon Earth. For beſides that Deluge of ' Prophaneneſs and Immorality, which overſpreads the whole ' Kingdom; beſides the Variety, and growing Strength of ' thoſe Schiſms which weaken and divide us, and of thoſe ' Heterodox Opinions, and Damnable Hereſies, which are ' daily publiſh'd and propagated among us; he verily believ- ' ed, that never were the Miniſters of Chriſt ſo abus'd and ' vilify'd, never was the Divine Authority of the Holy ' Scriptures ſo Arraign'd, and Ridicul'd, never were Infide- ' lity, and Atheiſm it ſelf ſo Impudent and Bareſac'd, never ' were ſuch horrid Blaſphemies Printed in any Chriſtian ' State, from the Foundation of Chriſtianity to this Day.

' That

‘ That out of the many Instances of this Kind, which, being ready at hand, he could have produc'd to their Lordships, he had Selected a few only; but those such, as he was perswaded their Lordships could not hear without Horror and Astonishment. Pardon me, my Lords, added he, if my Apprehension of the sad Consequences we may expect from such crying Abominations, have forc'd from me some Expressions, which upon a less Occasion might seem too harsh, and vehement. A Man that dreads no Danger from such unparallell'd Iniquities, that do as it were call down God's severest Judgments upon that poor Church, and Nation, wherein they are openly and daringly Committed, must be dead in his Love for his Country, and Religion. If I have disclos'd such a frightful, and detestable Scene of Impiety, which by reason of your Lordships high Stations, and great Employments, might possibly lie undiscover'd to your Sight before; I shall think my self happy, whatever shall befal me, if I may by God's Grace become the mean Instrument, of putting a stop to that overflowing of Ungodliness, and Blasphemy, which as yet no Laws, no Proclamations, how well soever design'd, and how often soever repeated, have been able to restrain.

‘ Nor ought he to forget, tho' it was forgotten by the Honourable Managers, another Ground of Danger arising to this Church from the Attempts of Popish Emissaries, by him mention'd, he hoped without the least Offence, in his Sermon at St. *Paul's*, where he said, It were highly to be wish'd that those excellent Laws, made for the Defence and Security of the Church, were at present put strictly in Execution; for the Roman Catholick Agents, and Missionaries, that swarm about this great City, as 'twere in Defiance and Contempt of them, were never more busie in making Proselytes to their Superstition and Idolatry, and perverting and debauching Her Majesty's Subjects in every Corner of our Streets. That he had not been called upon to prove the Truth of this Passage, nor had it been reckon'd among the false Insinuations he had made that the Church was in Danger. That he pray'd God, the Church might be in no Danger, upon any of these Accounts! Her Majesty, your Lordships, and the Commons, had indeed provided against these Dangers by wholesome Laws; and he hoped he did not exceed the Limits of his Function, when, being call'd to Preach before Magistrates, he exhorted them to prevent these Dangers, by putting those Laws strictly in Execution.

‘ That just had been the Indignation of the Honourable House of Commons, Just would be your Lordships most severe

‘ Resent-

' Reſentments if by any Parallel by him drawn he had inſinuated that the Members of both Houſes, who paſs'd the Vote concerning the ſafe and flouriſhing Condition of the Church, had been then Conſpiring its Ruin; That he had already purg'd himſelf from this Imputation, by obſerving, that the Parallel, aſcrib'd to him, implies, that they who Voted King *Charles* the Firſt to be out of Danger, and thoſe who Conſpir'd his Death, were the very ſame Perſons, whereas it was certain they were not; for the Vote about the King's Safety was paſs'd by Lords and Commons an Year and half before his execrable Murther, which had been contriv'd by the Army, and was perpetrated by a pretended Ordinance of a ſmall Remnant of the Houſe of Commons (not a tenth Part of the whole) after the reſt of the Members had been Impriſon'd, or Secluded, and without the Concurrence of the Houſe of Peers, who totally rejected it. That their Lordſhips had a very different Repreſentation of this Fact made by one of the Learned Managers: but this was the real Truth, as recited in the Act of Parliament for the Attainder of the King's Murtherers; and was an Evidence, that he could not poſſibly mean by any odious Parallel to Inſinuate, that the Members of both Houſes, who paſs'd the Vote concerning the Safety of the Church, were then Conſpiring its Ruin.

' That he humbly crav'd their Lordſhips Patience yet a little farther, whilſt he ſpoke to what was alledg'd in the Fourth Article, which charged him with many Crimes of a very high and flagrant Nature; none of which had been endeavour'd to be prov'd upon him, otherwiſe than from ſuppos'd Suggeſtions, and undetermin'd Expreſſions; and he muſt ſtill, with their Lordſhips leave, humbly inſiſt upon it, that where the Expreſſions are doubtful, there the favourable Senſe is always to be preferr'd.

' That after all that had been ſaid by the Learned Managers for the Commons, what Miniſter of State, he beſought their Lordſhips, had he been prov'd to Reflect upon, directly, or indirectly? Where, and how did he by any Suggeſtion, charge Her Majeſty, or thoſe in Authority under Her, with a general Male-Adminiſtration? How did he perſuade Her Subjects to keep up a Diſtinction of Parties, and Factions, while he Reprov'd thoſe who divided us by knaviſh Diſtinctions, and while he perſuaded his Fellow-Subjects to loſe and forget them? How was it poſſible he ſhould ſtir up the People to Arms and Violence, when he was endeavouring to convince them of the utter Illegality of Reſiſtance upon any Pretence whatſoever? That theſe things ſeem'd to be Inconſiſtent, unleſs a Man may be thought

' a Rebel for Recommending Loyalty, or Seditious for Preach-
' ing against Sedition.

' That he remember'd, indeed, at the Opening of this ' Charge against him, that one of the Managers for the House ' of Commons, vouchsaf'd to offer his charitable Assistance ' towards Reconciling this seeming Inconsistency; for he ' was pleased to suppose, that when he spoke against re- ' sisting the Sovereign, he had not our Gracious Queen, ' but some other Person in view; and that he might there- ' fore agreeably to his Principles of Non-Resistance, stir up ' the People to Arms and Violence against Her Sacred Ma- ' jesty. That their Lordships would once more pardon his ' Earnestness, if he call'd God to witness, that he utterly de- ' tested any such traiterous Intention; and he should in his ' own Opinion be unworthy of the Name of a Christian, if ' he could give himself leave to cast such a black and ground- ' less Imputation upon any one in like Circumstances with ' his, who had given all possible Evidences of his Duty and ' Affection to the present Government. That he had taken ' the Oaths of Allegiance to Her Majesty, and that of Ab- ' juration against the *Pretender*, and when therefore he ' Preach'd the Doctrine of Non-Resistance, it was most appa- ' rent, that the Government, which he perswaded his Fellow- ' Subjects not to Resist, was the present Government; and ' he humbly conceiv'd that the present Government could ' never be Overturn'd, if it were never Resisted.

' How true a Zeal, and Affection, he had always born to ' Her Majesty's Person and Government, he left to be Judg'd ' by their Lordships, and the whole World, from those Pub- ' lick Demonstrations which he had given of it, at all Times, ' when he had occasion to make mention of either. That he ' hoped their Lordships would pardon him, if he refer'd to ' some of his own Printed Expressions, as an evident Proof ' of his unfeigned Duty, and Allegiance. *If, to call it the* ' *most Inestimable Blessing this Nation could Enjoy, that Her Ma-* ' *jesty, the Good and Pious Relict of the Royal Family, sits now* ' *happily upon the Throne of Her Ancestors; if to Pray, that God* ' *may long preserve Her for the Comfort and Support of the Church,* ' *as the only Security, under God, it has to depend upon; If,* ' *earnestly to Contend for the Safety, Rights, and Establishment of* ' *Her Majesty, together with those of the Church; If, to Vindi-* ' *cate Her Majesty's Title to the Crown against the Usurpations,* ' *Pretences, and Encroachments of Her Adversaries, and to Assert* ' *Her Right to the Throne to have been so clear, manifest, and un-* ' *doubted, that even Her worst Enemies* (could such a Pious Prin- ' cess be suppos'd to have any) *must acknowledge it; That She* ' *was Proclaim'd as 'twere by the Voice of God, in the universal Joy,*

' Sa-

Satisfaction, and Unanimity of Her Subjects, that Her perſonal Merit exempted from that, made Her worthy of a brighter Diadem than She wears; If, to perſuade Her Subjects with the moſt hearty Zeal, and Generoſity, to enter into a neceſſary War, for the Defence of Her Majeſty, and the common Preſervation of our Church, Liberties, and Conſtitution, againſt a powerful Adverſary; If, to beſeech God to proſper ſo good an Undertaking, to give an happy Event and Iſſue to ſuch a Rightful Cauſe, to Crown our Arms with Victory, and to make them as ſucceſsful, as they are Juſt, and Honourable; And that, in order to this, we are all bound, both in Duty to God, and our Sovereign, as well as by our own Intereſt, unanimouſly, and heartily to Aſſiſt, and Support Her under this great Undertaking, as far as our Prayers, and Eſtates, Lives, and Fortunes can ſerve Her; If, to perſuade Her Subjects, that the great and threatning Dangers of our Enemies, ſhould have that juſt Effect upon us, to Unite us, as much in our Reſolutions and Affections, as they do in our common Intereſts, Apprehenſions, and Troubles; If, to Set out the Bleſſings we enjoy in the wiſe Conſtitution of our Government and Laws, in the moſt refin'd Policies of our Parliament and Miniſtry, in the Strength and Number of our Armies, Fleets, and Confederates, in the Care and watchful Vigilance, the Courage, Reſolution and Conduct of our General, and above all in the Piety and Prudence of our moſt gracious QUEEN; If, to affirm that She daily gives freſh Inſtances of Her Wiſdom, in the happy Adminiſtration of Her Government, and in nothing more ſhows Her Policy, and diſtinguiſhing Judgment, than in making Choice of ſuch Miniſters of State, who are acceptable to their Country, and expreſs ſuch a Zeal and Steadineſs in its Service and true Intereſts, and whom nothing could Bribe, or Betray into a Party, wherein it might any ways ſeem to be endanger'd; If, with the moſt ardent Requeſts to implore God's Providence, which through ſo many Dangers and Difficulties has rais'd up, and preſerv'd Her Majeſty, to carry on theſe glorious Undertakings with Succeſs, that She may be able to Reſtore and Settle the Peace of Europe, in its juſt Rights and Limitations; and that, as God has beſtow'd a Crown upon Her in this World, as the Reward of theſe heroic and pious Deſigns, ſo, after a long Reign here, he would advance Her to an higher Throne in Heaven, and dignifie Her with a glorious and immortal Crown hereafter: That if this, ſaid he, is falſely and maliciouſly to Suggeſt that Her Majeſty's Adminiſtration both in Eccleſiaſtical and Civil Affairs, tends to the Deſtruction of the Conſtitution; If this be charging Her Majeſty, and thoſe in Authority under Her, both in Church and State, with a general Male-Adminiſtration; If this be, as an Incendiary, to perſuade Her Subjects to keep up Diſtinctions of Factions

'Actions and Parties; If this be Inſtilling groundleſs Jealouſies, fomenting deſtructive Diviſions, and ſtirring up Her Majeſty's Subjects to Arms and Violence, againſt any but Her Enemies, then he was Guilty of this Article of Impeachment; otherwiſe, he was Innocent.

'That he had always thought it his Duty, upon all publick Occaſions, to Aſſert theſe Principles of Loyalty and Subjection to the Supreme Power, whenever he had a proper Call ſo to do; of which there were numberleſs Witneſſes in thoſe ſeveral Places to which he had belong'd. That one of theſe he begg'd leave of their Lordſhips particularly to mention, *Magdalen College* in *Oxford*, whereof he was at preſent an unworthy Member; and which by the known Sufferings of the whole Body for the Church and Conſtitution, contributed as much towards the late happy Revolution as any Society in the Kingdom. To which Honourable Society he humbly appeal'd for his Character and Behaviour. Adding he could alſo appeal for the ſame to a Right Reverend Lord, now Sitting on the Bench of Biſhops.

'That had it been fit to have troubled their Lordſhips with Evidences of his hearty Affection to the preſent Government, he could have produced them in great Abundance, from the Perſons with whom he had Convers'd, from the Gentlemen whom he had Bred up, and from the Congregations to which he had Preach'd. That if his Principles had any Tendency towards Alienating the Affections of Her Majeſty's Subjects, ſurely ſome one Inſtance of his Diſloyalty to the QUEEN, ſome favourable Expreſſions towards the Pretender, ſome Indications of his Diſlike to the preſent Settlement, and the Proteſtant Succeſſion, might have been pitch'd upon, and expos'd to their Lordſhips, in order to juſtifie the Charge of Sedition againſt him. But he could not, but with Pleaſure, obſerve to their Lordſhips, that from the whole Courſe of his Actions, no one Inſtance of that kind was alledg'd, or ſo much as pretended.

'That the Charge of wickedly wreſting divers Texts of Scripture lay very heavy upon him, as a Chriſtian and Miniſter of Chriſt. That if he was Guilty of it, there was another Tribunal, another Bar at which he was to appear, and where by that Scripture, which he had wreſted, he ſhould be Judg'd and Condemn'd. That in the mean time, he hoped, that thoſe, whoſe particular Profeſſion, and Studies qualify them to be the moſt competent Judges of ſuch Matters, would abſolve him in this Particular.

'That

'That upon the whole, therefore he hoped it appear'd, 'that he was not Guilty of any of the Crimes of which he 'was accus'd, that he had Tranſgreſs'd no Law of the 'Land, neither Statute, nor Common Law, relating either 'to Her Majeſty, or to his Fellow Subjects, to the Church; 'or to the State: and that he might with all Humility ap-'ply to his own Caſe; the Words of that bleſſed Apoſtle, 'whoſe Doctrine he defended, and whoſe Example he hoped 'he ſhould have the Grace to follow, *Neither againſt the 'Law, nor againſt the Temple, nor againſt Cæſar, have I offended 'any thing at all.*

'That what he had hitherto humbly offered to their 'Lordſhips related to his Words and Actions; and as to the 'Thoughts and Intentions of his Heart, which were known only 'to God, and his own Conſcience, and which were affirm'd 'in his Impeachment to be wicked, ſeditious and malicious; 'he call'd the Searcher of Hearts to witneſs in the moſt ſo-'lemn, and religious Manner, as he expected to be acquited 'before God, and his Holy Angels, at that Dreadful Tribu-'nal, before which not only he, but all the World, even 'their Lordſhips, who now ſet in Judgment upon him, muſt 'appear, to be Acquitted or Condemn'd; that he had no 'ſuch wicked, ſeditious, or malicious Intentions; that 'there was nothing upon Earth, he more deteſted and ab-'hor'd; that his Deſigns were in every reſpect, direct-'ly contrary. I had, added he, no Intention to aſperſe the 'Memory of his late Majeſty, to traduce, or condemn the 'late Happy Revolution, or to arraign the Reſolutions of 'both Houſes of Parliament. So far was I from deſign-'ing to undermine and ſubvert Her Majeſty's Government, 'and the Proteſtant Succeſſion as by Law Eſtabliſh'd, that it 'was my ſincere Intention to exert my beſt Endeavours for 'their Security. So far was I from intending, to perſuade 'Her Majeſty's Subjects to keep up a Diſtinction of Parties 'and Factions, from inſtilling groundleſs Jealouſies, foment-'ing deſtructive Diviſions among them, or exciting and ſtir-'ring them up to Arms and Violence, that my Aim was to 'perſuade them to lay aſide all Diſtinctions, to unite in one 'well-compacted Body, to be Obedient to their Governors, 'and to ſupport the preſent Eſtabliſhment. So far was I 'from deſigning to defame Her Majeſty's Adminiſtration, or 'to infuſe any undutiful Thoughts of Her, that I not only 'pay Her all Honour and Obedience, but am from the bot-'tom of my Soul zealouſly, and affectionately Loyal to Her; 'being entirely perſwaded, that the Church is ſo far from 'being in Danger from Her, that She is as heartily affected 'to its Eſtabliſhment, and Proſperity, as I hope I have

'always

always ſhew'd my ſelf to be to Her Sacred Perſon, and Government.

'That as to the Proteſtant Succeſſion by Law Eſtabliſh'd, tho' the Doctrine which he preach'd tended to the Security of it, (as he heartily deſired every thing by him ſpoken ſhould tend) yet having no Occaſion in either of his Sermons to take Notice of it, he did no where in thoſe Sermons mention it, nor ſay any thing that could be Interpreted to have any View towards it. Therefore tho' he could not with his beſt Application apprehend, how it came to be ſaid in the Preamble to his Impeachment, that he had deſign'd to undermine and ſubvert it, yet he ſhould gladly take this Opportunity, of declaring himſelf before their Lordſhips upon that Subject. It is, ſaid he, my Sincere and Hearty Prayer, that God would prolong the Life of Her Moſt Sacred Majeſty, whoſe Exemplary Goodneſs and Piety, give us the beſt Hopes we have of averting that Vengeance, which is due to the Wickedneſs of the Age we live in; that He would bleſs Her Councils at Home, and Her Arms Abroad, and make Her Reign exceed that of Her Renown'd Predeceſſor Queen *Elizabeth*, in Length, as well as Glory. But when the Inheretrix of the Bleſſed Martyr's Crown, and Piety, when She, the Deſire of our Eyes, and the Breath of our Noſtrils, ſhall full of Years, and Honour, be Gather'd to Her Fathers, and exchange Her Temporal for an Immortal Crown; (ſince we are depriv'd of that Prince, Her Royal Offspring, whoſe Loſs no true Lover of his Country, and of the Royal Family can reflect upon without a Bleeding Heart, and whom God in his Anger took from us, becauſe we were unworthy of ſo ineſtimable a Bleſſing,) I earneſtly beſeech God, in defect of Future Iſſue from Her Majeſty, to Perpetuate the Succeſſion of the Crown, as it is Eſtabliſh'd in the moſt Illuſtrious Houſe of *Hannover*, which I look upon as, next to his Providence, the beſt Guard we have againſt Popery and Arbitrary Power, the beſt Security of our Church, and of the Conſtitution of our Government, which is the Glory and Happineſs of our own Nation, and the Envy of all others. And I cannot yet apprehend, how the Doctrine, which I have taught tends to weaken or undermine it; nor on the other ſide, how the Doctrine of Reſiſtance, which brought Her Majeſty's Royal Grand-father to the Block, (ſuppoſing it a true Doctrine) comes to be mention'd or thought of, much leſs to be induſtriouſly maintain'd, as a neceſſary and indiſpenſable Duty, under the moſt mild and gracious Adminiſtration of the beſt of Queens. Nothing ſeems more ſtrange than that Reſiſtance ſhould be ſo carefully taught under ſuch a Government, unleſs it be that Non-Reſiſtance overturn it.

'So

' So far, added he, was I therefore from having any of those ' wicked, malicious, or seditious Designs, which are laid to ' my Charge, that my Intentions were, on the contrary, to ' instill the Principles of Loyalty and Obedience into my Fel- ' low-Subjects, and withal to put a stop to that Torrent of ' Lewdness, Irreligion, and Atheism, of which I have gi- ' ven your Lordships so many flagrant Testimonies.

' Those outrageous Insults upon God, and Goodness, con- ' tinued he, are so Provoking, that they may excuse some ' Heat, and Severity of Expression in a Minister of Christ, ' who has a just Sense of Religion, a due Concern for the ' Discharge of his Holy Function, or for the Honour of his ' Maker and Redeemer. And if any Objection be made a- ' gainst me, for Treating with an Unbecoming Bitterness ' such Daring Rabshekahs, who defy the Living God; I beg ' leave to Reply in the Words of a Reverend Father of our ' Church, Let them consider what Moderation, and Tem- ' per, a Man had need be of, that in this Nation, and this ' Age, shall speak against Faction, Rebellion (I add, Deism, ' Tritheism, and all sorts of Heresy, Blasphemy, and A- ' theism) without extraordinary Severity. Nay; it is our ' Duty in such Cases, to express our selves with Warmth ' and Sharpness, according to the Example of our Blessed Sa- ' viour; who tho' Meekness it self, could not but shew the ' utmost Indignation at the Profaning the House of God. ' This is not, my Lords, to rail, but to rebuke; and those, ' who ridicule, or censure us for it, either have not, I pre- ' sume, or will not own they have, a right Notion of the ' Dignity of our Office; will not consider, that we are the ' Ambassadors of Christ, that we are commanded, in his ' Name, to exhort, and rebuke with all Authority; and ' that our Authority is deriv'd from those to whom it was ' said by our Blessed Saviour, He that despiseth you, despi- ' seth me, and he that despiseth me, despiseth him that sent ' me: Whatever Expressions therefore in my Sermons may ' have slipt from me, which seem so far liable to Exception, ' as to carry a Sense I never intended (as he must be an ' happy Speaker indeed, whose Words are altogether unex- ' ceptionable) yet I humbly hope, the above-mentioned Pro- ' vocations will plead my Excuse, or that, at the very worst, ' some hasty, or even violent Expressions, shall not be deem'd ' High Crimes and Misdemeanors. I desire it may be far- ' ther consider'd by your Lordship's, that I could have no ' Temporal Interests to serve by the Doctrines I advanc'd; ' and therefore could have no Design in view, but to dis- ' charge my Duty to God, as a Minister of Christ, and to ' my Sovereign, as a Faithful, and Loyal Subject.

' That

'That these Things being humbly offer'd to the Consideration of their Lordships, he hoped, that what he had already suffer'd, as a supposed Criminal, would be thought sufficient Punishment for one, who had offended against no Law yet in Being. That it must be thought no little Grief, and Vexation to any ingenuous Man, to be brought to that Bar, under the least Suspicion of such Crimes as were laid to his Charge; but for a Person of his Function to have an Accusation of this Nature alledg'd against him, so heinously reflecting upon his Holy Character, was such a foul Blot, as though his Innocence should at last be clear'd by their Lordships, upon the most undeniable Evidence, must leave a Scar upon his good Name; which is to all Men dear, but much more so to those, whose whole Capacity of doing good in the World principally depends upon it.

'That as the Matter of his Charge was highly Criminal, so the Form and Manner of it ran in such general and uncertain Terms, that 'twas impossible to know the Grounds of his Accusation; or how to defend himself, when he knew not where he should be attack'd. So that after he had provided as particular an Answer as such a general Accusation would admit of, the Commons were pleased in their Replication to say, that there were several Things in it Foreign to the Charge. That to the great Misfortune of falling under the Displeasure of that Honourable House, he might add, That of a long and close Confinement; and of an Expence no ways proportion'd to his Circumstances. That these were Afflictions which could be conceiv'd by no Body so well as by him, who had been so unhappy as to feel the Weight of them. And among these he reckon'd it not the least of his Sufferings, that he had been for so long a time debarr'd, from taking heed to that Flock, over which the Holy Ghost had made him an Overseer. For even since he had had his Liberty, by the Favour of their Lordships admitting him to Bail, he had purposely avoided doing any Part of the Duty of his Function, or even appearing in Publick, least it should occasion any Tumult or Disturbance; as his necessary Attendance on their Lordships from time to time, had since been thought unhappily to have done without any Fault of his, or the least degree of Encouragement given by him, which he protests'd, in the Presence of God, to abhor.

'That all these Circumstances being consider'd, together, with the publick Manner, the Length and Solemnity of his Tryal, before so August a Court of Judicature, by which Means he was made a Gazing-stock, both by Re-

‘ proaches, and Afflictions, and a Spectacle to the whole
‘ World; he had ſtood in that Place Day after Day, to hear
‘ himſelf Accus'd of the blackeſt Crimes, and openly revil'd;
‘ he had been repreſented as a Papiſt in Diſguiſe, as a Rebel,
‘ as an Enemy to Her Majeſty's Perſon and Government, and
‘ a Favourer of the Pretender, tho' he had abjur'd him, (but
‘ not forgot him, as a Learned Perſon was pleas'd to ſay)
‘ that is, as the worſt of Perjur'd Villains: That he had
‘ been call'd an inſignificant Tool of a Party on the one
‘ Hand, and a moſt dangerous Incendiary on the other, nay,
‘ an Angel, that is a Devil, detach'd from the Infernal Re-
‘ gions: All which things, he ſaid, being conſider'd, (and
‘ their Lordſhips he was ſure, in tender Compaſſion to him,
‘ would conſider them,) it was moſt certain, that, whatever
‘ be their Lordſhips Determination concerning him, he would
‘ not eſcape without being a very great Sufferer, and he
‘ ſhould have been abundantly puniſh'd, tho' he ſhould
‘ have the Happineſs to be by their Lordſhips at laſt Ac-
‘ quitted.

‘ That yet, he could not Reflect without Comfort, (the
‘ greateſt of Comforts next to that of a good Cauſe, and a
‘ good Conſcience) that he Anſwer'd for himſelf that Day
‘ before the moſt Illuſtrious Aſſembly in the World, the
‘ whole Body of the Nobility of Great-Britain; whoſe
‘ Princely Extraction, and High Quality, whoſe Magnifi-
‘ cent Titles, and Splendid Fortunes, whoſe Hereditary
‘ Candor and Generoſity, inherent in Noble Blood, inſepa-
‘ rable from the Birth and Education of Peers; in a Word,
‘ whoſe Solid Judgment, and exact Skill in the Laws of this
‘ Realm, ſo eminently Qualify them for the final Determina-
‘ tion of Juſtice; who are neither to be ſway'd by Hopes,
‘ over-rul'd by Fears, nor miſ-led by any Falſe Prejudice or
‘ Paſſion. That if it muſt be a Man's Misfortune to labour
‘ under ſuch hard Circumſtances as his, it was no ſmall Mi-
‘ tigation of them, that he pleaded his Cauſe before ſuch
‘ Judges, who, he knows, will Decide it with the ſtricteſt
‘ Impartiality, Equity, and Honour.

‘ That when he conſider'd that he now ſtood, and was
‘ Judg'd for ſome of the Doctrines of that Goſpel, which
‘ God deliver'd unto our Fathers, and they, the Lords the
‘ Biſhops, their Succeſſors, had receiv'd from Chriſt and his
‘ Apoſtles, as the ſacred Depoſitum of the Church, to be
‘ Maintain'd inviolably in its Primitive Simplicity; when
‘ he conſiders, what is the Cauſe for which he was that Day
‘ call'd in Queſtion; that it is One of thoſe Eternal Truths,
‘ which they were ſo Solemnly Commiſſion'd to Teach, and
‘ earneſtly Contend for; when he conſider'd, that 'tis what

‘ our

‘ our Bleſſed Lord and his Apoſtles ſeal'd with their precious
‘ Blood, and ſo many Primitive Martyrs maintain'd even in
‘ the midſt of Flames, ſo many Learned Biſhops, and Con-
‘ feſſors recommended to Poſterity in their immortal Wri-
‘ tings, as the diſtinguiſhing Badge, and Glory of our Re-
‘ formation; nay, when he conſider'd, that 'tis what the
‘ Lords, the Biſhops themſelves had already ſupported with
‘ inconteſtable Reaſon, and Authority; it was no ſmall Sa-
‘ tisfaction to him to think, that as their Lordſhips are his
‘ Judges, ſo, he hoped in God, they muſt be his Advocates.
‘ What a Guilt, added he, as well as Diſgrace, would it
‘ juſtly devolve upon the Clergy, to recede from any Princi-
‘ ple of our *excellent Church*, eſpecially from what has been
‘ ſo long retain'd, and boaſted of, as its peculiar Character!
‘ By abandoning which, we muſt relapſe into ſome of the
‘ worſt Doctrines even of Popery it ſelf, and render our ſelves
‘ the moſt contemptible, as well as inconſiſtent Church in the
‘ World! I think, I may therefore with Confidence uſe the
‘ Words of the Great Apoſtle to his Accuſers, *having obtain'd*
‘ *Help from God, I continue unto this Day, witneſſing both to*
‘ *ſmall and great; ſaying none other things than thoſe which the*
‘ *Prophets and* Moſes (I may add Chriſt and his Apoſtles) did
‘ ſay.

‘ For, my Lords, (continued he) if I have committed any
‘ Faults or Errours in Expreſſion, yet as I inſiſt upon my
‘ Innocence with reſpect to all the High Crimes laid to my
‘ Charge, ſo I muſt ſtill inſiſt upon all the Doctrines which
‘ I have taught, as being agreeable to the Word of God, and
‘ to the Doctrine of our moſt excellent and truly Apoſtolical
‘ Church, and which we of the Clergy are oblig'd both by
‘ Subſcription and Oath to acknowledge, and defend. And
‘ how hard are our Circumſtances, if we muſt be puniſh'd in
‘ this World for doing that, which if we do not, we ſhall
‘ be more heavily puniſh'd in the next! What a Condition
‘ are we in, if we are commanded to cry aloud and ſpare not,
‘ to exhort, rebuke, in Seaſon and out of Seaſon, on the one
‘ Hand, and proſecuted, impriſon'd, ruin'd on the other!
‘ If this be our Caſe, who indeed is ſufficient for theſe things?
‘ And how truly may we of the Miniſtry above all Men liv-
‘ ing, apply to our ſelves thoſe Words of the Apoſtle, *If in*
‘ *this Life only we have Hope in Chriſt, we are of all Men moſt*
‘ *miſerable*: But our Comfort is, that our Hope in Chriſt is
‘ not only in this Life. Juſtly might we be reproach'd, and
‘ deſerve ſome of thoſe Reflections, which in theſe Licen-
‘ tious times are ſo plentifully pour'd upon us, were we not
‘ ready to practice the Doctrines we preach, of Self-Denial,
‘ taking up our Croſs, and patient Submiſſion to Sufferings

and Afflictions! For my own part, it matters not what becomes of me, nor is my Deliverance, or Ruin, of any Moment to the World; for, if it be, I am ready not only to be bound, but to dye, could I by that do Service to my Queen, my Church, or my Country; neither count I my Life dear, so that I might finish my Course with Joy, and the Ministry which I have received of the Lord Jesus. But may God so direct your Lordships, that through me a Wound may not be given to the Doctrines of the Scriptures, and of the Church, which Christ hath purchas'd with his own Blood.

'And so, (said he in the Conclusion) with all Humility and Resignation, I submit my self to your Lordships Judgment be it what it will, one Thing, I am sure it can never take from me, the Power of Wishing and Praying, and (whether in Prosperity or Adversity, whether I am Acquitted, or Condemn'd,) I shall always pray for the Queen my Sovereign, for your Lordships my Judges, and for the Commons my Accusers; most earnestly beseeching Almighty God, to deliver all Orders, and Degrees of Men amongst us, *From all False Doctrine, Heresy, and Schism, from Hardness of Heart, from Contempt of his Word and Commandment, from Envy, Hatred and Malice, and all Uncharitableness.*

The Doctor having done Speaking, the Lords adjourn'd to their House above. But it is to be observ'd that the Doctor's Speech made so great an Impression on the Generality of the Ladies there present, that many of them could not forbear shedding Tears. However it had a contrary Effect on some of the Spectators, who did not approve his Imprecations against what he seem'd to have *plainly Deliver'd* in his *Sermons.*

The

The next Day, the 8th of March, *being the Anniversary of the Queen's Accession to the Throne, the Parliament did not sit: But on the 9th the Lords went down into* Westminster-Hall; *and the Commons, and their Managers, having taken their Places, and the Queen being present, the Lord-Chancellor told the Managers, that they might proceed to their Reply.*

March 9th, *being the Ninth Day of the Tryal, the Managers of the Commons proceed to their Reply.*

Sir Joseph Jekyll's *Speech.* HEreupon Sir *Joseph Jekyll* said, That Doctor *Sacheverell* and his Council having concluded what they had to offer to their Lordships, he should enter upon the Province assign'd to him in further Execution of the Commands of the House of Commons, which was to reply to the Defence made for the Doctor to the first Article of the Commons Charge. That he should take Notice. first, of the Concessions made by the Doctor's Council; secondly, of the Exposition they had put upon those Passages of the Sermon, which had been relyed on by the Commons to maintain this Article; and, thirdly, of the Acts of Parliament, the *Homilies*, the *Books*, the *Sermons*, the *Pamphlets* and the *Gazettes* which the Doctor's Council had call'd for to be read to their Lordships. That if he should satisfie their Lordships, that the Concessions made by the Doctor's Council were a departure from the Defence made for him in his Answer, that they were extorted by Necessity, and were likely to be retracted when this Turn was serv'd; if he should shew their Lordships, that their Exposition of the Passages in the Sermon, was contrary to the plain Meaning of those Passages; if he should shew, that the *Acts of Parliament*, the *Homilies*, and the other *Prints* that had been produc'd, were either immaterial, or condemn the Doctrine laid down in the Sermon; and if he should shew, that this Criminal, for so he must call him, since the House of Commons had call'd him so; (whether he would be so in the Event, He agreed, rested only in their Lordships Judgment) if he said he should shew

he was guilty of a moſt heinous Offence, he ſhould not doubt of their Lordſhip's Juſtice.

That, the Conceſſions were theſe, *That Neceſſity creates an Exception to the General Rule of Submiſſion to the Prince, That ſuch Exception is underſtood or implied in the Laws that require ſuch Submiſſion, and that the Caſe of the Revolution was a Caſe of Neceſſity.* That theſe are Conceſſions ſo ample, and do ſo fully anſwer the Drift of the Commons in this Article, and are to the utmoſt Extent of their Meaning in it, that he could not forbear congratulating them upon this Succeſs of their Impeachment; that in full Parliament this *erroneous Doctrine* of *unlimited Non-Reſiſtance* was given up and diſclaim'd; And might it not, *in after Ages, be an Addition to the Glories of this bright Reign, that ſo many of thoſe who were honour'd with being in Her Majeſty's Service, had been, at their Lordſhips Bar, thus ſucceſsfully contending for the National Rights of Her People, and proving they are not precarious or remedileſs.*

But to return to theſe Conceſſions; he muſt appeal to their Lordſhips, whether they were not a total Departure from the Doctor's Anſwer. That in his Anſwer he takes Notice that the general Aſſertion in his Sermon, of the utter Illegality of Reſiſtance, is a colourable Pretence for the Article; 'but does he (continued Sir *Joſeph*) add the Reſtriction or 'Limitation to it, which hath been now thought neceſſary, 'and hath been inſiſted upon as moſt material for his Defence? 'No, my Lords, but the quite contrary; for theſe are the 'Words of his Anſwer, *The ſaid* Henry Sacheverell *doth with 'all Humility aver the Illegality of Reſiſtance, on any Pretence 'whatſoever, to be the true Doctrine of the Church of* England. 'Now, could any thing have been more material for him in 'his Anſwer, then adding theſe Reſtrictions to his General 'Aſſertion in his Sermon, which his Council now ſay he 'intended, though he did not expreſs? Or if that was his 'Intention, could he poſſibly have forgot it, when the frame 'of his Anſwer was under Conſideration?

That now the Doctor ſaw the Reſolution of the Commons, and the Endeavours of thoſe who had their Commands to carry on this Proſecution to bring him to Puniſhment; now he ſaw their Lordſhips daily Attendance upon this Tryal, and their Attention to the Charge againſt him; now he ſaw, if he had abided by his Anſwer, he muſt have been *condemned*, or the *Revolution*; theſe were the Motives which had prevailed upon him to tolerate his Council to make theſe *unwilling Conceſſions*, and had extorted them from him. But how little theſe Conceſſions ought to avail him, their Lordſhips would ſee, when they conſider'd how likely it was he would

would retract them when this Turn was ſerved. Might we not then expect he would uſe this very Argument of Neceſſity, the Coercion or Reſtraint he was under by this Proſecution, as an Excuſe for theſe Conceſſions? And when their Lordſhips were told, that it is *the Duty of Divines* (*whoſe Office it is to explain the Scripture to the People*) *to inculcate this Doctrine of Non-Reſiſtance in the moſt uncontroul'd and unlimited Terms they are able, and mentally reſerve the Exception to themſelves*; when Authorities had been produced for aſſerting this Doctrine in ſuch a manner as to exclude any Exception whatſoever, and the Doctor himſelf did not expreſly come into theſe Conceſſions, it was certain they ought not to be of any Avail to him. That their Lordſhips would therefore give him Leave to conſider the Expoſition which had been put on thoſe Paſſages, which the Commons relyed on for Proof of their firſt Article: And he ſhould ſhow that Expoſition to be contrary to the plain Meaning of thoſe Paſſages.

That he readily agreed that no *ſtrain'd Innendo's*, or *ſuppoſed and forc'd Conſtructions* (which were the Words us'd in the Reaſon given, for reverſing the Judgment in Sir *Samuel Barnardiſton*'s Caſe) ought to be admitted to explain the Meaning of the Doctor, in order to prove him Criminal. That he thought the Principles laid down upon the Reverſal of that Judgment are ſolid and juſt, and therefore nothing but expreſs Words, or a neceſſary Implication collected from a Man's Words, can make him an Offender. But he would not have it gone away with, that there muſt be expreſs Words of Scandal to make a Man Criminal; That indirect or oblique Scandal has in all times been met with, and puniſh'd, in the ordinary Courts of Juſtice; and if it were otherwiſe, that which aggravates the Crime (the Subtilty or Contrivance of it) would prevent the Puniſhment: And therefore it is that Ironical Scandal, nay, even dumb Scandal (Scandal by Pictures, or by Signs) as is mentioned in the Caſe *de Libellis Famoſis*, in my Lord Chief-Juſtice *Coke*'s Fifth Report, is puniſhable by Law; the only Caution neceſſary in theſe Caſes being, that the Conſtruction or Interpretation be not ſtrain'd or forc'd. That in this Caſe they had not only a ſeditious *Meaning* plainly collected from the Doctor's Words, but expreſs *Criminal Words*, a falſe Suggeſtion, that his late Majeſty in his Declaration diſclaim'd the leaſt Imputation of Reſiſtance, introduc'd for a malicious and ſeditious Purpoſe.

That the firſt Article had been rightly divided into three Parts; the Doctor is charg'd with ſuggeſting and maintaining, firſt, *That the neceſſary Means us'd to bring about the Revolution, were odious and unjuſtifiable*; ſecondly, *That his late Ma-*

Majeſty in his Declaration diſclaim'd the leaſt Imputation of Reſiſtance; and, thirdly, *That to impute Reſiſtance to the Revolution, is to caſt black and odious Colours on his late Majeſty and the Revolution.* That the two laſt Branches were particulars, the firſt was the Generał; and if the two laſt were proved, ſuch Proof made out the firſt; but he ſhould conſider the Anſwer given by the Doctor's Council to the Proof of the two laſt Branches in their Order, and proceed to conſider the Anſwer that had been given to the proper Proofs of the firſt.

That the firſt Proof of this Branch was the genetal Aſſertion of *the utter Illegality of Reſiſtance upon any Pretence whatſoever*: In Anſwer to which it had been ſaid, that this is ſpoken of the Supreme Power, which is the Legiſlative Power, and then there ought to be no Exception whatſoever. But that the Doctor did not mean the Supreme Legiſlative Power, but the Supreme Executive Power, was evident, Firſt, From the Account he preſently gives of thoſe that oppoſe his Principle of Non-Reſiſtance, which runs all along upon the Perſon of the Prince only, *as Cancelling their Allegiance, calling their Sovereign to Account, Dethroning and Murthering him.* Secondly and Principally, From his bringing in the Caſe of the Revolution, as urg'd by thoſe who are Adverſaries to his Principle of Non-Reſiſtance. That now the Revolution was not, could not be urg'd as an Inſtance of the Lawfulneſs of any thing, but of reſiſting the Supreme Executive Power acting in Oppoſition to the Laws; and this the Doctor himſelf admitted, when he told their Lordſhips that the *Supreme Power was not then Reſiſted.* This is therefore the Supreme Power he affirms it is utterly unlawful to reſiſt.

That it being ſaid by one of the Doctor's Council, *That the Non-Reſiſtance the Doctor preaches up, is the utter Illegality of Reſiſting the Supreme Power in all Things lawful*; for thoſe words, *in all Things lawful*, make part of that Sentence: *Sir Joſeph Jekyll* admitted they did, but ſaid thoſe Words were relative to his Aſſertion concerning Active Obedience, and not Paſſive, as would appear by reading the whole Sentence: *The grand Security of our Government, and the very Pillar upon which it ſtands, is founded upon the ſteady Belief of the Subjects Obligation to an abſolute and unconditional Obedience to the Supreme Power in all Things lawful, and the utter Illegality of Reſiſtance upon any Pretence whatſoever.* The one dividing Member of the Sentence is, the *Obligation to Obedience in all things Lawful*; the other, *the Illegality of Reſiſtance on any Pretence whatſoever*; the one is reſtrain'd, the other unlimited: It muſt be taken therefore (notwithſtanding theſe Objections) That the Doctor aſſerts the *utter Illegality of Reſiſtance to the Supreme Executive*

Power,

Power, tho' acting not in Conformity, but in Contradiction to the Laws.

That as to the ſecond Proof of the firſt Branch of this Article, which is, the Doctor's Inſinuation that the Parliament diſown'd the Reſiſtance at the Revolution, by *declaring they ſet the Crown on the King's Head on no other Title than of the Vacancy of the Throne.* One of the Council thought fit to ſtand to this Fact, becauſe the Vacancy of the Throne is mention'd in the Bill of Rights; and, he ſaid, *there is no other Fact there ſtated.* But that the ſame Act took Notice of the Male Adminiſtration of King *James*, and his Abdicating the Government, as the Means by which the Throne became void; And he appeal'd to their Lordſhips Journal, and the Journal of the Houſe of Commons, whether the Word *Abdicated* was not uſed rather than the Word *Deſerted*, (after a Conference between the two Houſes) for this Reaſon, inſiſted on by the Commons, that that Word *Abdicate* included in it Male-Adminiſtration, which the Word *Deſert* did not.

That the ſame Council ſaid, the *Act for preventing Vexatious Suits* urg'd by the Commons as a Parliamentary Declaration, juſtifying the *Reſiſtance* at the *Revolution*, was only for Indemnifying thoſe that acted at that time, and was no more than was done in the Reign of *Edward* the Third, after *Edward* the Second was Dethron'd. But that this was no manner of Anſwer to the Declaratory Part of that Law, which takes notice *of the King's undertaking a Glorious Enterprize, for delivering the Kingdom from Popery and Arbitrary Power, and that divers Subjects, in Aid and purſuance of that Enterprize, did ſeveral Acts of Violence and Reſiſtance, and this Law declares ſuch Acts were neceſſary, and ought to be juſtified.* And Sir *Joſeph Jekyll* could not but obſerve by the way, that the Parliament and the Doctor were of different Opinions; the Parliament thought that Reſiſtance ought to be juſtified, the Doctor thought not; and if ſo, then *Doctor* Sacheverell *did ſuggeſt and maintain, that the neceſſary Means uſed to bring about the* Revolution *were odious and unjuſtifiable.*

That as to the Second Branch of the Firſt Article, the Doctor's Aſſertion, *That his late Majeſty in his Declaration diſclaim'd the leaſt Imputation of Reſiſtance*; His Council did admit this Aſſertion was in the Sermon, and that this Aſſertion was not true; but they ſaid it was a Miſtake only in the Doctor, that the Doctor has expreſs'd himſelf ſomewhat obſcurely, and now he had explain'd himſelf, that Explanation ought to be receiv'd. That the Doctor meant *Conqueſt*, and ſo he had explain'd himſelf, not only in the Marginal Note, but in the Sermon it ſelf. That if this were ſo, it would be

a good Defence; but that this was not a Miſtake, or rather was a wilful one in the Doctor, and that he thereby deſign'd to Traduce the Memory of his late Majeſty and the Revolution, ſhould be ſhewn from what his own Council inſiſted on.

That they ſaid the *Doctor muſt mean Conqueſt, becauſe the Prince of* Orange, *who was no Subject, but a Sovereign Prince, could not be ſaid to reſiſt, according to the common Underſtanding of that Word.* That it is true, the Prince of *Orange* could not be ſaid to Reſiſt, and ſo could not diſclaim Reſiſtance for himſelf; but could he not be join'd and aſſiſted by the Subjects of the Realm, who might be ſaid to reſiſt, and were invited by him ſo to do? Did not this appear by the whole Tenor of his Declaration, and even by the Paſſages quoted by the Doctor? And ſince his late Majeſty could not be ſaid to reſiſt, but the Subjects, who, upon his Invitation, join'd with him, could, and the Reſiſtance of Subjects is what the Doctor was ſpeaking againſt; it was plain, that the Doctor ſpoke of the King's diſclaiming the Reſiſtance of thoſe who join'd with him, and not his own Reſiſtance. And therefore the Quotation of the Paſſage out of the Prince's Declaration, at the bottom of that Page did not make out that he meant Conqueſt, by Reſiſtance in his Sermon; or if it did, would it excuſe the Doctor's Preaching this Part of his Sermon, which was done without referring to that Paſſage?

That it was ſaid he had explain'd that he meant Conqueſt by Reſiſtance in the Body of the Sermon, becauſe he ſays *the Parliament burnt a Libel that would have pleaded the Title of Conqueſt, by which Reſiſtance was ſuppoſed*; but that this Paſſage doth not make out that he meant Conqueſt by Reſiſtance, was evident from his making *Reſiſtance* not to be *Conqueſt*, but only an Ingredient in it. And by repreſenting *Reſiſtance* and *Conqueſt* to be the ſame thing with the Doctor, he was made to ſay, that the Parliament burnt a Libel that would have pleaded the Title of Conqueſt; by which Conqueſt is ſuppos'd. That it was plain therefore that *Doctor* Sacheverell *had Aſſerted, that his late Majeſty in his Declaration diſclaim'd the leaſt Imputation of Reſiſtance*, and diſclaim'd it at a Time, (if the Doctor was to be believ'd) when he was exhorting the Subjects of King *James* to reſiſt, and was joining with them, and encouraging them in it; than which it was impoſſible there could be a greater Reflection on his late Majeſty, or the glorious Cauſe he then had in Hand.

That he would in the next place conſider the Proof of the Third Branch of the Firſt Article, and the Anſwer that had been given to it. That the Third Branch was this, *That to impute Reſiſtance to the Revolution, is to caſt Black and Odious*

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Colours upon his late Majesty and the Revolution; the Proof was that part of the Sermon wherein the Doctor asserts, *That the Adversaries to the Doctrine of Non-Resistance, who urge the Revolution in their Defence, are the greatest Enemies to that and His late Majesty, and the most ungrateful for the Deliverance, in endeavouring to cast such Black and Odious Colours upon both: How often must they be told*, &c. And the Answer to it was, That the Persons the Doctor describes, as casting Black and Odious Colours on His late Majesty and the Revolution, are not those who impute Resistance to the Revolution, of whom he affirms nothing, but those new Preachers and new Politicians, who teach Antimonarchical and wicked Doctrines, and who urge the Revolution in Defence of 'em.

That if the Doctor had meant these Persons, he would have shewn them, which he certainly might have done, that what was acted at the Revolution, did not in the least justifie their Opinions; but he declining to do this, and placing the Defence of the Revolution on a false Fact, known to be so to himself and to the whole Nation, and this, taken together with his introducing these Men as defending their Principles by the Revolution, left the Load of these *detestable Opinions* on the *Revolution*, and not only condemn'd the Resistance at the Revolution, but branded it. That it was said, that the Clause, *Our Adversaries think they effectually stop our Mouths*, &c. relates to the Defence of these Antimonarchical Principles, and not to the general Proposition of the utter Illegality of Resistance upon any Pretence whatsoever; and if so, Sir *Joseph Jekyll* agreed there was no Foundation for this Branch of the Article; and whether he was guilty of this Branch or not, turn'd entirely on this Question.

That he little thought such a Construction would have been endeavour'd, by a wrong Recital of this Clause in the Sermon, by the Doctor in his Answer; for there it is said, as from the Words of the Sermon, *That they, that is*, says the Doctor, *these new Preachers and new Politicians, urge the Revolution in defence of such Principles*; when their Lordships saw the words of the Sermon are, *Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence*. That this therefore brought the Case of the Revolution, urg'd by these Adversaries to the Point or Proposition he had before laid down, which was the utter Illegality of Resistance on any Pretence whatsoever, and not to the Defence of divers Antimonarchical Principles, taught by the new Preachers and new Politicians; and this was still plainer, if their Lordships consider'd that the Doctor's Reply to these Adversaries, by denying there was any Resistance at the Revolution,

volution, would only relate to the point of Non-Resistance he had before asserted, and which Resistance, if it were not denied, must stand Condemned by the Doctor's Proposition.

That as little did he expect to hear from one of the Doctor's Council, that there are twenty or thirty Lines between the General Proposition and this Clause, since if there be a Connexion between this Clause and that Proposition (which he had already shewn there was) it was not the Intervention of so many Lines would hinder it; and if there had been no Connexion, their being close together would not have made one. And by this manifest Connexion, the Doctor had brought this General Position, of the Unlawfulness of all Resistance, to bear upon the Revolution; which might serve for an Answer to the same Gentleman, who said, It is one thing to lay down the General Rule without making the Exception, and another thing not to make the particular Exception out of that Rule; for the Doctor had mentioned the Revolution, but not in order to except it, but to include it.

That indeed, the Learned Doctor who was of his Council pretended to have found out the Exception in the Sermon, Page the 10th, because he found the Word *Necessity* there; the Words are these, *Only this Maxim in general I presume may be establish'd for the Safety, Tranquility and Support of all Governments; that no Innovation whatsoever should be allowed in the Fundamental Constitution of any State, without a very pressing, nay, unavoidable Necessity for it*: But if the Doctor had but read to the end of the Sentence, he would have found Doctor *Sacheverell* condemns all that bore a part in the Revolution, before a Law was made about it; the Words that follow being these, *And whosoever singly, or in a private Capacity, should attempt it, is guilty of the highest Misdemeanor, and is an Enemy to that Politick Body of which he is a Member*; And if that Sentence respects the Revolution, then Doctor *Sacheverell* condemns all, from the highest to the lowest, who in their private Capacity joined with the Prince of *Orange*, or assisted in bringing about the Revolution. That this was the thing he was now charg'd with, not condemning the Revolution as a thing settled by Law, but the necessary Means used to bring it about: But if the Doctor instructed his Council to insinuate, that there was any Innovation in the Constitution wrought by the Revolution, it was an Addition to his Crime, the Revolution did not introduce any Innovation; it was a Restoration of the ancient Fundamental Constitution of the Kingdom, and giving it its proper Force and Energy.

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That indeed, all the other Council differ'd from that learned Civilian, and maintain'd, That Doctor *Sacheverell* did not, nay, ought not, to make any Exception; and one of 'em said, *if Clergymen, instead of preaching up the General Rule of Obedience, were permitted to state the several excepted Cases, such Exceptions would in time devour all Allegiance.* That if the Doctor had pretended to have stated the particular Bounds and Limits of Non-Resistance, and told the People in what Cases they might, or might not resist, he would have been much to blame; nor was one Word said in the Articles, or by the Managers, as if that was expected from him; but on the contrary they had insisted, that *in no Case can Resistance be lawful, but in Case of extreme Necessity, and where the Constitution can't otherwise be preserv'd, and such Necessity ought to be plain and obvious to the Sense and Judgment of the whole Nation, and this was the Case at the Revolution:* And 'is there no difference, added he, between a Divine's moot-'ing and putting Cases of lawful Resistance, and excepting 'the Resistance at the Revolution out of the general Rule of 'the Illegality of Resistance, on a Day, when he was ob-'lig'd not only to commemorate the Revolution, but the 'Resistance, the Necessary Means used to bring it about, as 'appears by the Service appointed for that Day. And, my 'Lords, is a House of Commons, who are vindicating that 'Revolution only, to be represented as if we were calling 'upon Divines to state the Cases wherein Resistance is law-'ful, and wherein not? a Task unfit for any one, and more 'especially for them to meddle with; And are we, by such 'Suggestions as these, to be defam'd and insulted, and re-'presented as promoting Anarchy and Confusion? He urged, that there can be no Order or Regularity, if the *Constitution*, the beautiful Frame of a Legal Monarchy, which this Nation had so long enjoy'd and prosper'd withal, be destroy'd or given up; what Inclination has the present Age shewn to submit to arbitrary Power; or rather, what hath been wanting in it to shew the contrary?

But that he went on to consider an Argument made use of by another of the Doctor's Council, *That it was needless for him to except the Case of the Revolution, for that was known to every Body, and had often been approv'd by the Legislature:* And left it to their Lordships whether the Doctor could know this, and not only not except that Case, on a Day appointed to give solemn Thanks for it, but introduce it for no purpose but to leave it under the Condemnation of the General Rule of *Non-Resistance*; urging, that by this Method the Doctor had brought his General Rule to bear upon the particular Case of the Revolution, for he took but one way of acquitting the Revolu-

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tion, which was by *laying down that for Truth*, which every Man knew to be *false*; and they that aſſert this *Truth*, he ſaid, *caſt Black and Odious Colours on the late King and the Revolution*; which made out, that *Doctor* Sacheverell *did Suggeſt and Maintain, that to impute Reſiſtance to the Revolution, is to caſt Black and Odious Colours on his late Majeſty and the Revolution.*

'And now, added he, my Lords, what a Repreſentation 'is here of that *glorious Tranſaction, the late happy Revolution*! 'The part the Subject had in it is repreſented as contradicting the expreſs Command of God in Scripture, and deſtructive of all Governments; his late Majeſty is repreſented as encouraging this pernicious Wickedneſs, and diſowning it at the ſame time; give me leave therefore, on behalf of the Nation, and the Memory of his late Majeſty its Deliverer, to ſtate this Affair ſhortly, and in another Light to your Lordſhips. The Subjects reſiſted, the late King join'd his Army with the Arms of Reſiſtance, and if the Nation at that time had not had Recourſe to that Remedy, how abject and how miſerable muſt they have been! If we look into the Hiſtories of other Countries, have not the beſt and happieſt Nations been moſt tenacious of their Liberties? And while they have continued ſo, and withſtood abſolute Power, they have been proſperous at Home, and conſiderable Abroad; but, when they have fallen from this Zeal, Induſtry, which is the Foundation of their Proſperity at Home, and Magnanimity, which makes them conſiderable Abroad, have deſerted them, and they have ſunk into Sloth and Effeminacy; Can any one therefore with any colour ſay, that Reſiſtance in caſes of extreme Neceſſity has worſe Conſequences than unlimited Subjection? Let us now, continued he, turn our Eyes a little on the Part our late King had in the Revolution; Did he not undertake a moſt hazardous Enterprize to procure us Happineſs at Home, and to give us that weight Abroad which this Nation had long enjoy'd, but at that time was depriv'd of; and with what Care and Anxiety, even to the laſt moment of his Life, did he labour to ſecure theſe Bleſſings to us? Let us look beyond his Time, and ſince, for the Senſe of the Nation upon this Point: What Satisfaction did the Nation take in the Aſſiſtance his renown'd Predeceſſor Queen *Elizabeth* gave to the oppreſs'd Provinces, our then good Neighbours, and our now Potent Allies; how Zealouſly did the Nation promote the Aſſiſtance King *James* the firſt gave to the injur'd Prince *Palatine*, againſt the Emperor his Superior Lord: And what Reſolution and tender Concern for the Perſecuted *Rothellers* did

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" King *Charles* the firſt ſhew and expreſs: And has not Her " Majeſty aſſiſted the *Spaniards* againſt a Prince acknowledg'd " by them, and ſeated on the Throne? Nor did Her Goodneſs, " which is as extenſive as Her Power, overlook the poor E- " ſtate of the People in the *Cevennes*, or neglect to give them " all poſſible Aſſiſtance againſt their King exerciſing a " cruel Dominion over them: Theſe, and many more " Inſtances which might be fetcht from other Countries, are " ſo many Authorities againſt this Doctrine of unlimited " Non-Reſiſtance.

That now he came to conſider the Authority the Doctor pretended to have for it; his Council ſaying they had Acts of Parliament for this Doctrine. That he ſhould not mention the particular Acts, becauſe they were well known, but conſider them under three Heads. Firſt, Thoſe Acts that were *before the Reſtoration*; Secondly, Thoſe *after the Reſtoration*, and *before the Revolution*. And, Thirdly, Thoſe *after the Revolution*. That as to thoſe before the Reſtoration, he readily admitted they condemn Reſiſtance generally, nor do they mention any Exception. That the Council of the other Side had furniſh'd him with an Anſwer to 'em, they ſaying, *thoſe and all other Laws have an Exception implied in them*: That the Wiſdom of the Law, in not expreſſing the Exception, is plain; It is neither decent, nor probably would have a good effect, to put odious Caſes, ſuch as a Prince's overturning the Conſtitution: That the *Roman* Law did not provide againſt *Parricide*, nor doth the *Engliſh* Law neither, ſince it hath no diſtinct Puniſhment for that kind of Murder, tho' it hath for ſome others which are call'd Petty Treaſons. That Laws are fram'd upon a View of ordinary and common Caſes, *Ad ea quæ frequentius accidunt jura adaptantur*, is a known Maxim, and of great uſe in the Expoſition of Laws. And if our Legiſlators had been aſk'd the Queſtion, Whether they meant by thoſe Laws to make all other Laws, and even thoſe Laws themſelves, of no Validity; (which, if abſolute Power can't be withſtood, wou'd be the certain Conſequence) wou'd they not have anſwer'd; Nothing was farther from their Thoughts: And if it be *Maledicta Expoſitio quæ corrumpit textum*, apply'd to any particular Law, what a curſed Expoſition muſt that be, which corrupts, or rather annuls the Text of all the Laws at once?

That the next Head of Acts were thoſe *after the Reſtoration*, and *before the Revolution*. That he did admit thoſe Laws go farther than the former, and ſeem to condemn all *Reſiſtance*, and in ſuch Terms, as to exclude any Exception whatſoever. That what he had ſaid relating to the former Laws might be applied to theſe, but further he deſired it might be conſi-

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der'd; these Legislators were guarding against the Consequences of those Pernicious and Antimonarchical Principles, which had been broached a little before in this Nation: And those large Declarations in favour of Non-Resistance were made to encounter or obviate the Mischief of those Principles, as appears by the Preamble of the fullest of those Acts, which is the *Militia Act*, in the 13. and 14. of K. *Charles* the Second; the Words of that Act are these, *And during the late usurped Governments, many evil and rebellious Principles have been instilled into the Minds of the People of this Kingdom, which may break forth, unless prevented, to the Disturbance of the Peace and Quiet thereof: Be it therefore Enacted*, &c. That here their Lordships might see the Reason that inclined those Legislators to express themselves in such a manner against Resistance; they had seen the Regal Rights swallow'd up under the Pretence of Popular ones; and it is no Imputation on them, that they did not then foresee a quite different Case, as was that of the *Revolution*, where under the pretence of Regal Authority, a total Subversion of the Rights of the Subject was advanc'd, and in a manner effected; and this might serve to shew, that it was not the Design of those Legislators to *condemn Resistance in a case of absolute Necessity* for preserving the Constitution, when they were guarding against Principles which had so lately destroy'd it.

Sir *Joseph Jekyll* proceeded next to consider the Laws made *after the Revolution*, and said, their Lordships would find that the Resistance at the Revolution was not only approv'd of in express Terms, by *the Act for preventing vexatious Suits*; and indeed every Act past since the Revolution was an implicit Approbation of it. But the Declaration of the Unlawfulness of taking Arms against the King on any Pretence whatsoever, required to be taken by the Corporation Act, the Militia Act, and the Act of Uniformity, was now repeal'd. That there was another Act mentioned by one of the Doctor's Council, the *Act for regulating select Vestries*; which Act expired in King *Charles* the Second's Time, and was never continued. That the first Gentleman that spoke for the Doctor said, in Answer to the Repeal of this Declaration by a Clause in *the Act of the first of King* William *and Queen* Mary, *for abrogating the old Oaths, and appointing new ones*, that it is a very tender Repeal, if it be one; That he did not well understand his Meaning, but was sure that was a very tender Answer, if it be any at all. That if it be thought, that this Declaration, as it is enjoined by the *Corporation Act*, is not repeal'd, because the Corporation Act is not particularly mentioned in the Clause of the Act of the first of King *William* and Queen *Mary*, which repeals the Declaration:

claration: He answer'd, after the Militia Act, and the Act of Uniformity are mentioned, there follow general Words, *any Law or Statute to the contrary notwithstanding*; and this repeals the Declaration as to that Act, as well as to the other two Acts. And this Opinion had prevail'd universally, and if it were otherwise there is scarce a Corporation in *England* but would be dissolv'd by the Incapacity of their Members.

But that the same Council argued, that *the Doctrine mentioned in that Declaration must be true Doctrine, or the Declaration would not have been enjoin'd and taken so long as it was, and the Repeal don't make the Proposition false, and we might as well argue the solemn League and Covenant to be a lawful Oath.* That as to the Declaration against the Covenant, that was consider'd as a Temporary Thing only, and by the Act of Uniformity was to cease upon the 25th of *March* 1682, and therefore not at all to be compar'd with the other Declaration, which was intended to be perpetual. That as to the Truth of the Doctrine in this Declaration which was repeal'd he would admit it to be as true, as the Doctor's Council asserted it, that is, *with an Exception of Cases of Necessity*, and it was not repeal'd, because it was *false*, understanding it *with that Restriction*: But it was repeal'd, because it might be interpreted in an unconfin'd Sense, and exclusive of that Restriction, and being so understood would reflect on the *Justice of the Revolution*; and this the Legislature had at Heart, and were very jealous of, and by this Repeal of that Declaration gave a Parliamentary or Legislative Admonition against asserting this *Doctrine of Non-Resistance in an unlimited Sense*. That he must confess he did not expect to hear the *Association* and the *Abjuration Oath* brought in, as asserting this Doctrine; that if they did, this might serve to account for their taking them who believe that Doctrine, which otherwise perhaps they would be at a loss to find an honest Reason for. But, my Lords, added he, doth engaging to ' stand by and assist one another against all the King's Enemies, or swearing to defend the King or Queen against all ' traiterous Conspiracies, signifie any more than what is implied in the old Oath of Allegiance? There is, my Lords, ' indeed something more in the *Association* and *Abjuration* ' *Oath*; for the Person taking them in his late Majesty's ' Time declar'd, That he believed in his Conscience King ' *William* was rightful and lawful King of this Realm, this ' certainly put the Conscientious Taker of 'em upon a Consideration of the Foundation on which that Right and ' Title was built: And since there was no Foundation for ' it but the Revolution, and that Revolution was founded

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on Reſiſtance, how thoſe could bring themſelves up to take that Aſſociation, or that Abjuration Oath, who believ'd that Reſiſtance unlawful, I am at a Loſs to know.

That upon this Head of theſe ſeveral Acts of Parliament that had been mentioned, he begg'd Leave to obſerve, that as it is not to be ſuppoſed it was the Orignal Intention of any Laws to enervate the Force of all the Laws, ſo their Lordſhips ſaw there are ſince the Revolution Laws that do exclude any ſuch Suppoſition, and do affirm, *that indefeaſible Inheritance* which the People have in the Laws.

That the next Part of the Evidence offer'd by the Doctor was the *Homilies*, which were ſaid to be confirm'd by Act of Parliament, becauſe the Articles of the Church of *England* are ſo, and the 35th Article approves the *Homilies* as containing godly and wholeſome Doctrine, and the Clergy are obliged to read and ſubſcribe thoſe Articles. That he believ'd it would be admitted, that no more was intended by that Subſcription, but that the Doctrine contain'd in the Homilies is right in the main, and not that every Sentence in 'em is ſo; for in this laſt Senſe he believed, never any Divine ſubſcribed the Articles, and it would be hard to name any Preacher or Writer of Note, who had not contradicted ſome Paſſage or other in them: nay, as to one, the general and approved Practice of the Church was againſt it, he meant that Paſſage *which condemns the Uſe of Organs in Churches*. That ſurely the Senſe of the Homilies can't be found out by reading ſelect Paſſages out of them, as was done in the Doctor's Defence, but by obſerving the Frame and Tendency of the whole: That he might appeal to their Lordſhips, and eſpecially to the Lords the Biſhops, whether thoſe who compiled the Homilies againſt Rebellion, ſeem'd to have had at all under their Conſideration the Caſe of a total Subverſion of the Conſtitution. That 'twas plain, the main Deſign of thoſe Homilies was againſt the riſings of the Popiſh Faction, and the plauſible and popular Pretences made uſe of by them for ſupporting their Rebellions. Did not, *continued he*, that great Queen, in whoſe Time the latter Book of *Homilies* was compiled, explain Her own Opinion on this Point by the Aſſiſtance ſhe gave to the *Hollanders* againſt the *Spaniſh* King, their Sovereign? Did not the Parliament explain themſelves, by the Supplies given to the Queen for that Purpoſe? And did not the Clergy explain themſelves likewiſe, by the Supplies granted in Convocation in favour of that Aſſiſtance? Can it therefore be imagin'd the Homilies intended to condemn

demn that Reſiſtance which the Queen, and the whole Nation, nay, even the Clergy themſelves aſſembled in Convocation, approv'd of? And I dare ſay, if Doctor *Sacheverell* had read any of the Homilies againſt Rebellion, which he ſays he is commanded to do, if there be no Sermon on the fifth of *November*; I ſay if he had read any one of them to his Congregation at St. *Paul's*, not one of his Auditors would have thought the Revolution condemn'd by the Homily, whatever they might have thought of the Doctor.

That what the Commons accuſed him for, was that he lays down this general Doctrine of *Non-Reſiſtance in Terms excluſive of any Exception*, and not content with that, *points out the Revolution for* Men to compare it with, and condemn it by; But how much better would it have become the Doctor to have imitated that Zeal which appears in the Compilers of thoſe Homilies for a Proteſtant Queen againſt a *Popiſh* Faction, than to arraign the *Revolution*, upon the Defaming of which *the Hopes* of *a Popiſh* Faction againſt *a Proteſtant Queen* are built?

That the other Books or Writings the Doctor had produced to juſtifie his Doctrine; were chiefly, if not all of them, the Labours of Divines: And he would place them in theſe two Claſſes, thoſe *before the Revolution*, and *thoſe ſince*. That if this *Queſtion of Submiſſion* were left by the Divines to thoſe who make the Municipal Laws of their Country, or the Nature of Laws in general, their Study, and they would confine themſelves to the preſſing a legal Submiſſion only, founded, as it is by the Law of *England*, on common Conſent and common Good, it would be much more for the Honour of Religion, and the Peace and Felicity both of the Sovereign and the Subject. That this would be very manifeſt, if their Lordſhips call'd to Mind but two of the Doctor's Quotations before the Revolution, which were read to their Lordſhips; the one was a Paſſage out of Biſhop *Sanderſon*, the other the *Oxford* Decree in 1683. That Biſhop *Sanderſon*, and he only of all that had been quoted, had put the Caſe of Reſiſtance for the Preſervation of Church and State, which are but other Words for the Conſtitution, and had deliver'd this Doctrine of Non-Reſiſtance in ſuch unlimited and bold Terms, as he ſhould not repeat, to create a ſecond Diſpleaſure in this great Aſſembly. That he willingly admitted he was a very learned judicious and pious Prelate; and if ſo great and good a Man fell into ſuch indiſcreet, indecent and ſhocking Expreſſions on that Subject, as did viſibly affect ſuch an Aſſembly as this, one would think it ſhould diſcourage others from delivering that Doctrine in ſuch a Latitude.

That the next was the *Oxford* Decree, which Condemns all Reſiſtance whatſoever; but, that it is obſervable, that in the ſame Decree there is a Condemnation of this Propoſition that he was going to read to their Lordſhips, *That it is Lawful to Preclude the next Heir from his Right and Succeſſion to the Crown*; and yet at the ſame time, the condemning this Propoſition, that is, the *holding, affirming, or maintaining* the contrary Propoſition was by the 13th *Eliz. cap.* 1. made High Treaſon in her Time, and a Forfeiture of Goods and Chattels ever after. And every one knows how the Law now ſtands as to that Particular, by the *Act for Securing Her Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Proteſtant Line.* That when we find ſo Great and Learned a Body criminally Erring in a Point ſo Fundamental, and upon which our Proſpect of Happineſs to future Ages, doth, under God, depend, ought it not to diſcourage particular Divines from pretending to determine Points of Law and Policy? That he ſhould hope that that Univerſity's having fall'n in at firſt ſo heartily with the Reſolution, was as ſincere a Condemnation of the Doctrine of *unlimited Non-Reſiſtance*, as their ſolemn taking the Abjuration Oath is a publick Profeſſion that a Parliamentary Excluſion is Lawful.

That as for all the Paſſages which had been read to their Lordſhips out of the Books or Sermons of Divines before the Revolution in Favour of Non-Reſiſtance, their Lordſhips might obſerve their Reaſons reach'd only ſo far, as when the Miſchief is not Univerſal, or if it be Univerſal, where it is Tolerable, and not ſo miſchievous as a Civil War. That he ſhould mention any Paſſages in them (which had not been read) to limit the Generality of the Expreſſions concerning *Non-Reſiſtance*, becauſe he avoided bringing in any thing which had not been given in Evidence. That how Candid the Doctor's Collections had been, their Lordſhips might judge by that Quotation out of the Lord Biſhop of *Saliſbury's* Book, where there is an expreſs Exception of the Caſe of *ſubverting Fundamentals*; but their Lordſhips might ſee the ſame Candor ſhining out in ſeveral Paſſages of the Doctor's Sermon, with reſpect to that Reverend Prelate, whoſe Services before and at the Time of the Revolution, would never be forgotten by one part of the Nation, nor forgiven by another.

That he came now to the Sermons and Writings ſince the Revolution; and he might appeal to their Lordſhips, whether they don't moſt plainly condemn the Doctor; thoſe, he meant, where they had the Fortune to be ready to call for other Paſſages to be read out of the ſame Books. Did not the Lord Biſhop of *Lincoln* expreſly mention the Caſe of the Re-

Revolution, and juſtifie the Reſiſtance then uſed? How carefully did his Grace the Archbiſhop of *York* limit this Doctrine of Paſſive Obedience, which the Doctor ſays ought to be deliver'd in the moſt unconfin'd Terms? And it was by his Grace's Notion of this Doctrine, that the Commons deſired this Cauſe may be judged and determined. He beg'd leave to read again to their Lordſhips his remarkable Words. *Care muſt be taken that this general Doctrine be not miſapplied in particular Countries. Though Non-Reſiſtance or Paſſive Obedience be a Duty to all Subjects, and under all Governments, yet it is not expreſs'd the ſame way in all Places; but both the Objects and the Inſtances of it do vary in different Nations, according to the different Models of their Government. To ſpeak this as plainly as I can; As the Laws of the Land are the Meaſures of our Active Obedience, ſo are alſo the ſame Laws the Meaſure of our Submiſſion. And as we are not bound to Obey, but where the Laws and Conſtitution require our Obedience; ſo neither are we bound to ſubmit, but as the Laws and Conſtitution do require our Submiſſion.* That this is the Doctrine the Commons were maintaining, and were calling this *Criminal* to an Account for contradicting. 'That if our Obedience and Submiſſion, added he, is 'not to be extended to the Prejudice of the Conſtitution, the 'Reſiſtance at the Revolution, for preſerving the Conſtitution, ſtands juſtified, and the Doctor's unlimited Doctrine 'of Non-Reſiſtance ſtands condemn'd. How prudently does his Grace, my Lords, caution the Doctor and the reſt of the Clergy in another part of his Sermon, by theſe Words? *If, indeed, a Preacher ſhould in the Pulpit preſume to give his Judgment about the Management of publick Affairs; or to lay down Doctrines, as from Chriſt, about the Forms and Models of Kingdoms or Commonwealths; or to adjuſt the Limits of the Prerogative of the Prince, or of the Liberties of the Subject in our preſent Government: I ſay, if a Divine ſhould meddle with ſuch Matters in his Sermon, I do not know how he can be excuſed from the juſt Cenſure of meddling with things that nothing concern him. This is indeed a practiſing in State Matters, and is uſurping an Office that belongs to another Profeſſion, and to Men of another Character. And I ſhould account it every whit as undecent in a Clergyman to take upon him to deal in theſe Points, as it would be for him to determine Titles of Lands in the Pulpit, which are in diſpute in* Weſtminſter-Hall. And how well the Doctor has obſerv'd this neceſſary Caution laid down by his Grace, I leave your Lordſhips to conſider.

That he had purpoſely omitted taking Notice of any Writings, except ſuch as were produced by the Doctor. But, in general, might Appeal to their Lordſhips, whether in the loweſt Ebb of Liberty there have been wanting thoſe in this

as well as other Countries, who have denied this ſlaviſh Doctrine of *unlimited Non-Reſiſtance*; whether ſince the Revolution this Nation has been ſo ungrateful to their Deliverer, or unthankful for their Deliverance, as to want thoſe who have maintain'd the Principles of the Revolution, and have ſhew'd them to be as agreeable to the Chriſtian Religion, as they are to the Nature of that Excellent Government we live under, which is that of *Limited Monarchy*. And yet notwithſtanding the unanſwer'd Performances of divers, both of the Clergy and Laity, upon this Subject, the Doctor had the Boldneſs to affirm his Doctrine to be the Doctrine of our Bleſſed Saviour and his Apoſtles: which he could not mention without the deepeſt Concern for the Honour of the Chriſtian Religion. 'I beſeech your Lordſhips, ſaid he, in the 'Concluſion, What is *Liberty* but *Juſtice*? And what is *Juſtice*, but *doing to every one as we would be done by*? And no'thing, I think, is likelier to promote the Practice of this 'Chriſtian Precept, than ſpreading a true Senſe and Love of 'Liberty, that Principle which caſts out of us a narrow Re'gard to our ſelves, and introduces a diffuſive Benevolence 'to others. And againſt this Principle is it that the Doctor 'has offended.

'My Lords, I have endeavour'd to ſhew that the Charge 'in the Firſt Article ſtands prov'd againſt the Doctor, and 'that this Proof remains unanſwer'd; and if ſo, his being a 'Miniſter of the Goſpel, his having taken the Oaths to 'the late King, and to Her preſent Majeſty, his being a Fel'low of that College which was in a particular manner de'livered by the Revolution, are all of them Aggravations 'of his Offence (if it can be aggravated;) and which, if 'prov'd, his own Council admit, brings a foul Imputation on 'Her Majeſty and Her Government, makes Her *Government* 'an *Uſurpation*, and Her *Subjects Rebels*; and that *no Puniſh'ment can be too great for him*.

'My Lords, I never ſaw that *Criminal* for whom I had 'not a hearty Compaſſion, but there is both Compaſſion and 'Juſtice due to the injur'd Innocent. Your Lordſhips have 'before you on the one hand, the Care and Concern of Dr. '*Sacheverell*; on the other, the Honour and Proſperity of a 'wiſe and brave Nation, who as they have thought nothing 'too much to give or hazard to defend their Liberties againſt 'a Foreign Enemy, ſo they hope your Lordſhips Juſtice on 'this Offender, will ſecure thoſe Liberties againſt Domeſtick 'ones. Sir *Joſeph Jekyll* having done ſpeaking,

Mr. *Sollicitor General's* Speech.

MR. *Sollicitor General* ſaid, he was commanded by the Commons to join with the Learned Gentleman who ſpoke laſt, in Replying

ſing to the Defence that had been made upon the Firſt Article of this Impeachment, which the Commons inſiſted upon to be well grounded, and fully prov'd, notwithſtanding the ſeveral Objections and Excuſes that had been offer'd by Dr. *Sacheverell* and his Council. That one of the Doctor's Council had agreed, *That if he had aſſerted, that the Reſiſtance uſed to bring about the Revolution was Unlawful, no Puniſhment could be too great for him*; but what they had offer'd to their Lordſhips in his Defence, was, That no ſuch Poſition could be made out without the help of *Inuendo*'s and *forced Conſtructions*, which infer'd a Meaning contrary to the Natural Senſe and Import of his Words; and this way of Charging a Man with a Crime, they truly ſaid, was not agreeable to the Rules of Law, and would contradict one of the Reaſons given for the Judgment of the Houſe of Lords, in the Caſe of Sir *Samuel Barnardiſton*: And if this was the Caſe, it would not become the Commons of *Great Britain*, who have ſuch an Affectionate Regard to the Laws and Liberties of their Country, to proceed upon an Impeachment ſo ill grounded. But that when the Commons had ſo fully and particularly proved the Aſſertions charged upon the Dr. by this Article, they little expected to have heard that his Words had been wreſted to wrong Meanings, and made to ſpeak what he never thought: And therefore, ſince the Queſtion depended altogether upon Conſtruction, and their Lordſhips had been told that the Paſſage upon which this Charge was grounded, had not been fully ſtated, the Commons muſt give their Lordſhips the trouble of Reading the Paſſage at large, as it ſtands in the Sermon; that their Lordſhips might judge, whether they had not taken his Words in the common and ordinary Senſe, and given them the only Meaning they could bear; *Adding* the Paſſage was in theſe Words:

'The grand Security of the Government, and the very 'Pillar upon which it ſtands, is founded upon the ſteady Be- 'lief of the Subjects Obligation to an Abſolute and Uncon- 'ditional Obedience to the Supreme Power in all Things 'Lawful, and the utter Illegality of Reſiſtance upon any Pre- 'tence whatſoever. But this Fundamental Doctrine, not- 'withſtanding its Divine Sanction in the expreſs Command 'of God in Scripture, and without which, it is impoſſible 'any Government, of any Kind or Denomination in the 'World, ſhould ſubſiſt with Safety, and which has been ſo 'long the Honourable and Diſtinguiſhing Characteriſtick of 'our Church, is now, it ſeems, quite Exploded, and Ridi- 'cul'd out of Countenance, as an Unfaſhionable, Superannu- 'ted, nay (which is more wonderful) as a dangerous Tenet, 'utterly Inconſiſtent with the Right, Liberty, and Property 'of

of the People; who, as our New Preachers, and New Politicians teach us, (I suppose by a New and Unheard-of Gospel, as well as Laws) have, in Contradiction to Both, the Power Invested in them, the Fountain and Original of it, to Cancel their Allegiance at Pleasure, and call their Sovereign to Account for High Treason against his Supreme Subjects forsooth! Nay, to Dethrone and Murther him for a Criminal, as they did the Royal Martyr, by a Judiciary Sentence. And, what is almost Incredible, presume to make their Court to their Prince, by maintaining such Antimonarchical Schemes. But God be thanked! neither the Constitution of our Church or State is so far alter'd, but that by the Laws of Both, (still in Force, and which I hope for ever will be) these Damnable Positions, let them come from the Pulpit or the Press, either from *Rome* or *Geneva*, are condemned for Rebellion and High Treason. Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence. But certainly they are the greatest Enemies of that, and his late Majesty, and the most Ungrateful for the Deliverance, who endeavour to cast such Black and Odious Colours upon Both. How often must they be told that the King himself Disclaim'd the least Imputation of Resistance in his Declaration; and that the Parliament declar'd, That they set the Crown upon his Head, upon no other Title, but that of the Vacancy of the Throne? And did they not Unanimously condemn to the Flames (as it justly deserv'd) that Infamous Libel that would have pleaded the Title of Conquest, by which Resistance was suppos'd?

He urg'd, that the Question now before their Lordships was, whether by these Words he had asserted, *That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance; and that to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the Revolution*; which are the Assertions Charg'd upon him in this Article, as *Suggesting and Maintaining, that the necessary Means us'd to bring about the late Happy Revolution were odious and unjustifiable:* Now that there was Resistance in the Revolution, and that such Resistance, in a case of that absolute and unavoidable Necessity, is consistent with the Doctrine of the Church, and the Fundamental Law of the Kingdom, was agreed by the Council; and they had endeavour'd to convince their Lordships, that the Doctor had asserted nothing to the contrary; for they said, 'The Resistance which the 'Doctor affirms the King to have disclaim'd, was only a Resistance which tended to Conquest; and that the Doctor

did

' did well to wipe off this Imputation, for the Parliament
' had declared it injurious to his rightful Title to the Crown,
' and had order'd a Treatiſe to be burnt which Suggeſted a
' Title by Conqueſt; and that the Doctor having his Eye
' in that Expreſſion on the matter of Conqueſt, expreſſed
' the ſame by Reſiſtance, which was applicable to the Subject
' Matter before, and therefore ought not to be wreſted to any
' other Purpoſe.

That this was the Turn the Council would give to the Doctor's Aſſertion, *That the King diſclaim'd the leaſt Imputation of Reſiſtance*: And indeed the Words of the Sermon were ſo plain and particular, that they were forced to have Recourſe to this Evaſion of a Reſiſtance by Conqueſt: But he wonder'd Gentlemen could argue in this manner, and at the ſame time ſpeak of reading the Words with Candor and Ingenuity, when 'twas moſt apparent that there is no *previous Diſcourſe* of a Title by Conqueſt, or of any Treatiſe in which it had been aſſerted, that could give occaſion for his vindicating the late King from any ſuch Imputation, or to which theſe Words can in any Conſtruction be applied; for the Doctor ſays nothing of Conqueſt 'till after he had Aſſerted that the King diſclaim'd the leaſt Imputation of Reſiſtance, and then he goes on and lays another Foundation for the Settlement upon the Revolution, by grounding it upon the Vacancy of the Throne, before he ſays any thing about Conqueſt, or mentions the Book which had pleaded that Title; and even then he condemns that Title for no other Reaſon, but becauſe it implied Reſiſtance, which plainly ſhews, that his Argument was carried on upon the Subject of *Reſiſtance*, and not upon that of *Conqueſt*.

That the Anſwer which they had given to that part of the Article, whereby he was Charg'd with Aſſerting, *That to impute Reſiſtance to the Revolution, is to caſt Black and Odious Colours upon his late Majeſty and the Revolution*; was equally evaſive. That what they had offer'd to their Lordſhips upon this Head was, That the Doctor was not ſpeaking of the utter Illegality of Reſiſtance, when he introduceth his Diſcourſe about caſting Black and Odious Colours, by ſaying, *Our Adverſaries think they have us ſure and unanſwerable on this Point, when they urge the Revolution of this Day in their Defence*; but of the damnable Poſitions with which the Doctor charged the new Preachers and new Politicians, in the Words immediately preceding; And in this place it was that the Manager appointed to maintain this Article was charg'd with omitting about twenty or thirty Lines between the General Doctrine and the Paſſage concerning the Revolution, in which ſeveral diſtinct and entire Sentences are contain'd, concerning thoſe

thoſe Perſons and their Principles, to which that Paſſage entirely relates: And their Lordſhips were told, that to apply the Inſtance of the Revolution to juſtifie ſuch wicked Principles, was what the Doctor call'd caſting Black and Odious Colours upon His late Majeſty and the Revolution.

But that the Commons took it to be very clear, That upon ſtating of the whole Paragraph, and all the Words in the order in which they lye, and upon comparing the ſeveral Paſſages, it would manifeſtly appear, that what the Doctor ſaid about *caſting Black and Odious Colours* upon the Revolution, could be applied only to thoſe who maintain, that the Reſiſtance us'd to bring about the Revolution was lawful and juſt, and that the Perſons he calls our *Adverſaries* are ſuch as urg'd the Revolution in oppoſition to his general Doctrine of the utter Illegality of Reſiſtance upon any Pretence whatſoever, and not to thoſe who urge the Revolution in defence of thoſe damnable Poſitions, which, he ſays, *the new Preachers and new Politicians had laid down.*

That this the Commons apprehended to be the only meaning that his Words in any Conſtruction could bear; for *the Point* he was ſpeaking of, and which he ſaid his Adverſaries thought they had him ſure and unanſwerable upon, muſt be ſome certain ſingle Poſition which was mention'd before, ſome one Poſition or Principle, and not many; for 'tis *this Point*, not *theſe Principles*; and that ſingle Point could be no other than the *Point of Reſiſtance*; and the Perſons he call'd his Adverſaries, who thought they had him ſo ſure, could be no other than thoſe who deny his General Doctrine, and not thoſe new Preachers and new Politicians, who ſay the People have a Power veſted in them to cancel their Allegiance at Pleaſure; becauſe thoſe who deny this General Poſition of the utter Illegality of Reſiſtance, as applied to any one particular caſe, are certainly his Adverſaries, and Enemies to his Fundamental Doctrine; for whoever can find an excepted Caſe, or ſhew an Inſtance in which Reſiſtance is lawful, deſtroys his general Aſſertion; and he ſufficiently ſhews, that he meant thoſe who oppos'd his general Doctrine of abſolute Non-Reſiſtance, by *our Adverſaries*, when he ſays that they urg'd the Revolution of that Day in their Defence, becauſe the Reſiſtance at the Revolution, which was founded in *Unavoidable Neceſſity*, could be no Defence to a Man that was attack'd for aſſerting, that the People might cancel their Allegiance at Pleaſure, or Dethrone and Murther their Sovereign by a Judiciary Sentence; for it can never be inferr'd from the Lawfulneſs of Reſiſtance at a time when a *Total Subverſion* of the Government both in Church and State was in-

intended, that a People may take up Arms and call their Sovereign to account at Pleaſure; and therefore, ſince the Revolution could be of no Service in giving the leaſt Colour for aſſerting any ſuch wicked Principle; the Doctor could never intend to put it into the Mouths of thoſe new Preachers and new Politicians for a Defence, unleſs it were his Opinion, that the Reſiſtance at the Revolution could bear any Parallel with the execrable Murther of the Royal Martyr, ſo juſtly deteſted by the whole Nation; or that there was no other Difference between the two Caſes, than what the learned Gentleman, who firſt ſpoke for him, was pleas'd to mention in the Concluſion of his Argument, by quoting an odious Expreſſion, (which Mr. Sollicitor forbore to repeat;) but it was very proper to take notice of the Reſiſtance at the Revolution, as an Objection to his General Doctrine, for it really was ſo, and 'twas impoſſible that Doctrine could be true in its full Extent, if the Reſiſtance at the Revolution was lawful; for 'twas moſt apparent, that the Juſtice of a Revolution, founded in Reſiſtance, and the Principle of Non-Reſiſtance upon any Pretence whatſoever, could never ſtand together.

That therefore he could mean nothing by *the Point* his Adverſaries thought they had him ſo ſure upon, but the general Poſition of Non-Reſiſtance, which was the only Point contended for in that place; and he muſt mean thoſe only who denied his Doctrine of abſolute Non-Reſiſtance, by *our Adverſaries*: And having no other way of maintaining the utter Illegality of Reſiſtance upon any Pretence whatſoever, and of anſwering the Caſe of the Revolution, which, from the Reſiſtance that was in it, was made an Objection; he went on and denied the Reſiſtance, by ſaying, That *the King ſolemnly diſclaim'd the leaſt Imputation of Reſiſtance*; and call'd thoſe who ſay that there was any Reſiſtance in the Revolution, *the Greateſt Enemies of that, and his late Majeſty, and the moſt ungrateful for the Deliverance, who endeavour to caſt ſuch Black and Odious Colours upon both.* That this was plainly Aſſerting, That to impute Reſiſtance to the Revolution, is to repreſent it as *Black* and *Odious*; which Aſſertion was fairly collected from the plain Courſe and Tendency of his Argument, not from *ſtrain'd Inferences*, and *Innuendo's*, not from *ſuppos'd*, or *forc'd Conſtructions*, but from his own Words, as they lye together, taken in their natural and genuine Senſe, and was the only Conſtruction that can give them any reaſonable Meaning or Coherence: And therefore the Commons apprehended, That the Charge againſt the Doctor, for aſſerting, that *to impute Reſiſtance to the Revolution, is to caſt Black*

and

and Odious Colours upon his late Majesty and the Revolution, was fully prov'd, and stood unanswer'd.

That tho' the Charge, and the Passages produc'd for the Proof of it, were so very particular, and directly pointed at the Resistance us'd to bring about the late happy Revolution, yet the Doctor and his Council were pleas'd to say, 'That he has only Asserted the Doctrine of Non-Resistance 'in general Terms, as it has been taught by the Apostles, the 'Homilies, and the Fathers of the Church in all Ages; that 'in this Case, as in all other General Propositions, Cases of 'unavoidable Necessity, *as the Revolution undoubtedly was*, 'are always understood to be excepted; and that there is 'no other Difference between the Gentlemen of the House 'of Commons and the Doctor, but whether when the gene-'ral Rule of Obedience is taught, the particular Exceptions 'which may be made out of that Rule are always to be 'express'd; or, Whether when the General Rule is laid 'down, the particular Exceptions are not more properly to be 'understood or implied: And upon this Ground they had been very Elaborate, and had produc'd many Proofs to satisfie their Lordships, that the Doctor's General Assertion of the utter Illegality of Resistance to the Supreme Power upon any Pretence whatsoever, without mentioning any Exception, was warranted by the Doctrine of the Church, and by the Law of the Land.

But that all this Pains might have been spar'd; for 'twas plain that the Doctor was not Impeach'd for preaching a general Doctrine, and enforcing the general Duty of Obedience, but for preaching against an Excepted Case, after he had stated the Exception: He was not Impeach'd for preaching the *General Doctrine of Obedience, and the utter Illegality of Resistance upon any Pretence whatsoever*; but because, having first laid down the General Doctrine as true, without any Exception; he stated the excepted Case, the Revolution, in express Terms, as an Objection; and then assumed the Consideration of that excepted Case, denied there was any Resistance in the Revolution, and Asserted, that to impute Resistance to the Revolution, would cast Black and Odious Colours upon it. That this was not preaching the Doctrine of *Non-Resistance* in the General Terms us'd by the Homilies, and the Fathers of the Church, where Cases of Necessity may be understood to be excepted by a Tacit Implication, as the Council had allow'd, but was preaching directly against the Resistance at the Revolution, which in the Course of this Debate had been all along admitted to be necessary and just, and could have no other Meaning, than to bring a Dishonour upon the

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Revolution, and an Odium upon those Great and Illustrious Persons, *those Friends to the Monarchy and the Church*, that assisted in bringing it about. For had the Doctor intended any thing else, he would have treated the Case of the Revolution in a different manner, and have given it the true and fair Answer; he would have said, That the *Resistance at the Revolution was of absolute Necessity*, and the only Means left to revive the Constitution, and must be therefore taken as an excepted Case, and could never come within the Reach or Intention of the General Doctrine of the Church. But instead of this, he denied that there was any Resistance in the Revolution, and represented it as a Scandal upon the Revolution to say there was any Resistance in it; *Those*, says he, *are the greatest Enemies to it who cast such Black and Odious Colours upon it*. My Lords, added he, If extraordinary Cases, if Cases of Necessity, which are implicitly Excepted, are not to be stated at the time when the General Prohibition is inculcated, and it would be of dangerous Consequence in this particular Instance of the Doctrine of Non-Resistance, *by picking Holes for the Subject to creep out of his Allegiance*; I submit it to your Lordships Consideration, whether stating an Excepted Case, and then bringing it within the General Prohibition, particularly in this Instance of the Revolution, must not have the same pernicious Consequence; 'Does not this 'plainly shew what Spirit the Doctor is of, and what he 'aims at?

That their Lordships had been told, that 'What the 'Doctor asserts concerning the utter Illegality of Resistance 'to the Supreme Power, can never be applied to the Revo'lution; for the Legislative, the King, Lords and Com'mons, is the Supreme Power, and there was no Resistance 'to the Lords and Commons, for they join'd with His late 'Majesty in bringing about the Revolution; the Resistance 'was made only to that unfortunate Prince who was then 'upon the Throne; But that 'twas plain from his applying the Illegality of Resisting the Supreme Power to the Case of the Revolution, that he meant the Executive Power, which was then Resisted; and he used *Sovereign*, and *Prince*, as Synonimous Terms with the Supreme Power in other parts of the same Paragraph of the Sermon; for he spoke of calling the Sovereign to Account; and of Cancelling Allegiance at Pleasure, which could be due only to the Prince; which shewed, that the Prince only, and not the Legislature could be understood by *His Supreme Power*.

That he should not trouble their Lordships, to shew that the Resistance us'd at the Revolution was consistent with the Doctrine of the Church, and with the Law and Constitution

tution of *England*. That this was no part of the Controverſie, nor was it diſputed by the Council; for they agreed ſuch Caſes to be excepted out of the general Rule, and profeſs'd to uſe the ſeveral Paſſages that had been read to their Lordſhips, only to Excuſe or Extenuate the Doctor's Offence, and not to Arraign the Juſtice of the Revolution; That therefore he ſhould not enter into a particular Examination of them, but only obſerve, that if the Books, out of which theſe Paſſages were taken, were narrowly examined, 'tis poſſible ſome Expreſſions might be found to ſhew that the Authors never intended that their general Rule ſhould extend to Caſes where *the total Subverſion of a Government was aim'd at*. For their Lordſhips muſt needs have obſerved, from the uſe that had been made of the Book of a Learned Prelate, call'd, *A Vindication of the Authority, Conſtitution and Laws of the Church and State of* Scotland, *Printed in* 1673. that a perfect State of Truth was not altogether to be depended upon Proofs that had been Collected out of ſeveral Authors, and read to their Lordſhips, and that the Sincerity of the Collector was very much to be queſtion'd; for that Book was produced to prove the Duty of Abſolute Submiſſion, and a Paſſage was read for that purpoſe; but when the Managers look'd into the Book, they found another Paſſage, where the Author ſtating the Caſe of *Abuſes tending to a Total Subverſion*, allows, That in ſuch a Caſe the Supreme Power may be Adminiſtred by another: Which ſhews, That this Reverend Prelate, who was ſo Inſtrumental in the Revolution, did not act in Contradiction to his former Sentiments, as was inſinuated, by Citing this Treatiſe; but was Firm and Conſtant to himſelf, when he Embark'd in that *Glorious Enterprize*. That ſeveral Sermons that had been preach'd ſince the Revolution, had been likewiſe offer'd to their Lordſhips, to ſhew that the Doctrine of Non-Reſiſtance has been deliver'd in general Terms, but theſe could be of no Service in his Defence, for the Reaſons that had been given. Beſides, the Commons did not think themſelves concern'd to enter into the Examination of private Opinions: And for thoſe that had been Preach'd by the Right Reverend Fathers of the Church now Living, They were the beſt Expoſitors of their own Meaning; and he ſhould Miſpend their Lordſhips Time to enter into any Explication of them. That the Doctor having Appeal'd to the Right Reverend Fathers of the Church, to theſe Right Reverend Fathers they left him, not doubting but the Nation would be ſatisfied how much they were concern'd for the Honour of the Revolution, and the Security of the preſent Happy Eſtabliſhment under Her Majeſty, by the juſt Judgment they would give upon this Occaſion.

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That as to the Laws of the Kingdom, there needed little to be ſaid, after what the Learned Gentleman who ſpoke laſt had offer'd to their Lordſhips; eſpecially ſince the Council for the Doctor had all of them own'd, That the general Expreſſions in the Laws don't extend to any ſuch Caſe as that of the Revolution, which no Municipal Law can be ſuppos'd to include: And if Doctor *Sacheverell* had been ſatisfied with laying down the general Doctrines of Obedience and Non-Reſiſtance in the manner the Laws have done, the Commons had never given their Lordſhips this Trouble. For 'twas his Entring into the Debate of what was agreed by his own Council to be an Excepted Caſe, and his Arraigning the Juſtice of the Revolution, which had been already ſtated at large to their Lordſhips, that had given Occaſion for the Proſecution upon this Article.

That the Commons had alledg'd, 'That to ſhake the Juſtice of the Revolution, and the Validity of thoſe Acts of Parliament, by which Her Majeſty's Title to the Crown was declared, and the Succeſſion ſettled in the Proteſtant Line, was a matter of the greateſt Conſequence, at a Time when the Hereditary Right to the Crown was Conteſted; and that the Friends of the Pretender could advance his Intereſt upon no other Ground? But it had been urg'd for the Doctor, That he could never mean any Service to the Pretender; for he Aſſerted the Hereditary Right to be in the Queen, and that thoſe who deny Her Hereditary Right, are moſt like to bring in the *Pretender*. And by this Anſwer they Inſinuated, That the Doctor had Aſſerted an Hereditary Right in Her Majeſty, and that thoſe who defend Her *Parliamentary Title* deny *Her Hereditary Right*.

That the Paſſage they cite for his Aſſerting an Hereditary Right in Her Majeſty, is Page 2, where he calls Her Majeſty, *The Good and Pious Relict of the Royal Family*; and they argued, That if Her Majeſty be the Relict, and the only Prince of that Family left, ſhe muſt have the Hereditary Right of Courſe. That their Lordſhips could not but obſerve, this Paſſage required ſome Straining, to give it any Appearance of Anſwering the Purpoſe to which they would apply it; and after all it could carry no ſuch Meaning, Her Majeſty not being the only Deſcendant of the Royal Family now in being: That there were ſeveral Branches of it yet remaining, and he could not believe that the Gentlemen who uſed this Argument, intended to exclude the Illuſtrious Houſe of *Hanover* from being Part of it. That in the next place they turn'd it upon the Commons, as if they denied the *Hereditary Right* (which they ſhould ever avow) when they Aſſerted the Title by Act of Parliament. That he ſubmitted to their Lordſhips,

ſhips, Whether any thing more was ſaid, than that the *Hereditary Right* was *conteſted*; and this was Notorious to all the World——Is taken notice of in our Oath of Abjuration, and was claim'd two Years ago by the *Pretender*'s attempting an Invaſion. That in ſuch a Caſe 'twas certainly the Duty of every Subject, to make good all the Fences which guard Her Majeſty's Title to the Crown; and we have Reaſon to lay ſome Weight upon a *Parliamentary Title*, ſince the Proteſtant Succeſſion entirely depends upon it; and to defend the Power of Parliament, to limit the Succeſſion of the Crown, ſince the Doctor had offer'd to their Lordſhips in Evidence a Decree of the Univerſity of *Oxford*, in the Year 1683. where this Propoſition, viz. " That it is Lawful to Preclude the " next Heir from his Right and Succeſſion to the Crown, " was ſolemnly Condemned, as Falſe, Seditious and Impious; which he (Mr. *Sollicitor General*) the rather took Notice of, becauſe the Doctor relied ſo much upon the Authority of that Univerſity; but he muſt take leave to ſay, That if the ſame Principle ſhould ſtill continue to be taught, or to be believ'd in that Univerſity, where ſo many of our Gentlemen receive their firſt Impreſſions, it muſt one time or other Involve us in Blood, and leave Poſterity in endleſs Diſputes about the Title to the Crown; and therefore 'twas of the greateſt Conſequence to Her Majeſty, and the Security of Her Perſon and Government, the Continuance of the Succeſſion in the Proteſtant Line, and the Peace and Happineſs of this Kingdom, to maintain the Power of Parliament to ſettle the Succeſſion to the Crown, which has been exercis'd in all Times, and frequently reſorted to by Her Majeſty's greateſt and wiſeſt Predeceſſors: That this was not to make way for the *Pretender*, but to ſhew that he is effectually and legally excluded; and that Her Majeſty has not only the *Hereditary Right*, but the *Sanction of an Act of Parliament*, which has been always thought ſufficient to bind the Succeſſion to the Crown, and is the plain way to eſtabliſh Her Majeſty's Throne againſt all Attempts whatſoever.

That their Lordſhips were told, That theſe Sermons were not preach'd with a Seditious Intention, and that the Doctor could never be ſuppos'd to have a Deſign to Undermine the Government, by Preaching up the utter Illegality of Reſiſtance: Which had indeed ſome ſhew of an Excuſe; but if their Lordſhips conſider'd in what manner he had applied his Doctrine of Non-Reſiſtance, and the Uſe he had made of it, together with the general Deſign of the Sermon, which was a virulent Invective throughout, it would appear, that he could not take a more proper Courſe to Incite the People

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to Sedition, and to create Jealousies and Discontents in the Kingdom: For, First, he endeavour'd to shew, That if there was any Resistance in the Revolution, the Foundations of our present Happy Settlement were laid in an Unlawfull Force, because such Resistance was, as he says, *utterly Illegal, Odious, and Unjustifiable.* And having laid this Ground, he Charged Her Majesty, and those in Authority under Her, with a general Male-Administration; and what Inference could the People make from such Positions as these; but that the Government they are under is Ill-founded, and therefore no Obedience is due to it; and since there is a general Mismanagement in the whole Administration of the Executive Power, 'tis their Interest to get rid of it as soon as they can? That this was the plain Tendency of his whole Discourse, and whose Interest was best serv'd by such Discourses as these; whether that of Her Majesty, or that of the Pretender, he submitted to their Lordships impartial Consideration.

That the Doctor would have no Reason to complain of being hardly us'd in having his Intentions censur'd as Seditious, if he consider'd what that great Prelate, the Lord Archbishop of *York*, had said in the Sermon that had been produc'd in Evidence before their Lordships, in which there is this Paragraph, viz.

" They are the Factious, they are the Setters up or Abet-
" tors of Parties, who endeavour to destroy, or unsettle, or
" disparage, or at least to hurt and weaken the Government
" and the Laws, as they are Establish'd; let the Princi-
" ples upon which they go, or the Pretences they make, be
" what they will. And if his Seditious Intentions were apparent from the Sermon, his having taken the Oaths of Allegiance, his Signing the Association, and his taking the Abjuration, were so many Aggravations of his Guilt.

That he had troubled their Lordships a great while, but he could not forbear taking notice of one thing which the Doctor had complain'd of as a Hardship; he meant, that he had been Prosecuted in this publick manner by an Impeachment, by which, he said, he should have been abundantly punish'd, tho' he should have the Happiness to be at last acquitted; But this Complaint was answer'd by his own Council, who acknowledged his Case to be a Case of very great Moment, and that the Points now under their Lordships Consideration, were proper only to be settled in Parliament; And certainly no other Court could have been so proper: For when the Foundations of the Government in Church and State are apparently struck at, and undermin'd, under pretence

of Zeal for the Conſtitution; when Her Majeſty's Title to the Crown is endeavour'd to be weaken'd, under the Colours of Obedience and Loyalty; when the Quiet and Repoſe of Her Majeſty's Proteſtant Subjects is diſturb'd, under a pretended Zeal for the good of the Church; when the Safety of the Church is in the greateſt Danger from thoſe who declare the moſt Affectionate Concern for her Welfare and Proſperity; when the Fathers of the Church are defam'd by thoſe who pretend the greateſt Reverence for the Epiſcopal Order; and when Her Majeſty's happy Adminiſtration is publickly vilified and expos'd in the moſt audacious and inſolent Manner, where ſhould the Commons apply for Juſtice but to this Supreme Judicature? Or where could they expect an adequate Remedy to theſe great and growing Evils, but in full Parliament? They had therefore brought this great Offender before their Lordſhips, and had the higheſt Satisfaction in a full Aſſurance of their Lordſhips impartial Judgment. The *Sollicitor General* having ended his Speech, Mr. *Lechmere* ſaid,

Mr. *Lechmere*'s Speech.

THAT the Gentlemen, who had now ſpoke before him, had gone through the Subſtance of the Reply to the Firſt Article, ſhewn to their Lordſhips the Weakneſs and Vanity of the Defence, which had been made to it; and fully reaſſerted that Part of the Charge, by which Dr. *Sacheverell* ſtood Accus'd, in the Name of the Commons of *Great Britain*, of Condemning the *Neceſſary Means* us'd to bring about the late happy Revolution. That their Conſideration of this Branch of the Impeachment, and of what had been offer'd to them in Maintenance of it, had, doubtleſs, created in their Minds an Impreſſion equal to its Weight, and to the many great Conſequences which depended upon it: But they perſwaded themſelves, that, when their Lordſhips reflected on the Nature and Method of the Defence, 'twould more clearly diſcover to their Lordſhips and the World, how neceſſary a Task the Commons had taken on themſelves in this Proſecution, of what high Concern it was to Her Majeſty and Her Government, and to our common Security, that this Fundamental Queſtion ſhould receive this publick and ſolemn Diſcuſſion, That the falſe Zeal, which the diſguis'd Enemies of Her Majeſties Title had the Confidence to put on, by endeavouring to cover the worſt Deſigns, under the ſacred Names of *God* and *Religion*, and the ſtrongeſt Profeſſions of Loyalty and Allegiance, might be brought to the *Teſt*, and the true Foundations of the Safety of the Kingdom be underſtood and aſſerted. That the part aſſigned him in opening the Charge, led him to take notice of ſome Paſſages which had fall'n from the Council; and tho', what I ſhould

should first mention, had been already observed and fully refuted, yet he must beg their Patience to resume it a little: That the Gentleman who began the Defence said, That 'twas insisted on the first Day of the Tryal, *That the Doctor had not only asserted the utter Illegality of Resistance on any Pretence whatsoever; but that he had likewise* declared *himself, That the Revolution was not such a Case as ought to be excepted out of his General Rule*, and this he said, *he denied; and, if such an Expression could be found in the Doctor's Sermon*, he should think *no Punishment too great for him.* That their Lordships could not but observe the Argument which immediately followed; 'Tis *one thing*, says he, *expressly to affirm the Revolution is such a Case as ought not to be excepted, and another thing not to make that Exception.* That the Lords were told, indeed, in the beginning of the same Discourse, and afterwards by the Dr. himself, 'That his general Assertion, of the utter Illegality 'of Resistance on any Pretence whatsoever, did not relate to 'the Resistance used to bring about the Revolution, it being 'applied to the *Supreme Legislative Power*, to which no Resistance was then made, the Lords and Commons joining in 'it. That this was a Meaning which the Dr. had not in view when he Preach'd the Sermon; for, by observing the Passages, the Lords would find that the Words *Supreme Power*, are no part of the Assertion of the utter Illegality of Resistance on any Pretence whatsoever; That the Dr. did indeed, affirm unconditional Obedience to the Supreme Power in all things Lawful, but the Illegality of Resistance was indefinitely and universally affirm'd, and not restrain'd to the Supreme Power: That 'twas likewise evident, not only from his mentioning the Case of the Revolution, which was the Case of Resistance to the King, as an Objection to his general Rule, of the utter Illegality of Resistance, but likewise from the subsequent Parts of the same Paragraph, that the Non-Resistance which he Preach'd up, was Non-Resistance to the Supreme Executive Power; and indeed, this was still more evident from the Fallacy of that, which was offer'd to induce their Lordships to think otherwise, it being undeniable, That the Lords and Commons did not join in that Resistance as part of the Legislative and Supreme Power, but as part of the collective Body of the Nation. That this Subterfuge, frivolous as it was, being soon departed from, the Argument proceeded upon the Supposition, that the general Assertion in the Sermon was to be understood of the *Supreme Executive Power.* That he return'd therefore to the Objection, as stated before, which, being delivered with uncommon Ostentation their Lordships would allow me to enter into the Examination of it; *The Subjects Obligation to an unconditional Obe-*

dience to the Supreme Power in all things Lawful, and the utter Illegality of Resistance on any Pretence whatsoever, was the Doctor's general Rule, which he affirm'd to be the Security of our Government, and the Belief of this *the very Pillar on which it stands*. That their Lordships might here observe, that the Doctor, in delivering his general Rule, had gone pretty much beyond that Apostle he would be thought to imitate; for the Apostle, in general Terms, injoins the Duties of Obedience and Subjection to the higher Powers, not mentioning any Exception, when he lays down those Precepts; The Dr. goes on, and his next Sentences contain a general Observation, That, tho' his Fundamental Doctrine was now become unfashionable and exploded, as a dangerous Tenet, inconsistent with the Rights, Liberties and Property of the People, yet, God be thanked, it still continued to be the Doctrine both of Church and State; and then follow these Words, *Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence.* That no Body could doubt what Revolution the Dr. meant, nor, that under the Term *Revolution*, by which he expresses the Objection made to the general Rule of Non-Resistance, he meant the Resistance suppos'd to be made at that Revolution: Which he stated, as the unanswerable Objection made by his Adversaries to his Point, to his Rule of Non-Resistance on any Pretence whatsoever.

That if their Lordships collected the Sense of the Paragraph thus far, it would stand thus; *Those Persons, who explode absolute Non-Resistance to the Prince as a Tenet dangerous to Liberty, in Defence of that their Opinion, object to us, who avow this Tenet as the honourable and distinguishing Characteristick of our Church, the Resistance us'd to bring about the late happy Revolution, as an Exception out of our general Rule of Non-Resistance.* That the Doctor having thus laid down his Rule in universal Terms, and expressly taken Notice of the Case of the Revolution as an Objection raised against it by other People; their Lordships were next to consider, what became of this Objection; in what manner it was treated by him, and what Judgment did pass upon it? That the Dr. did not drop the Objection without considering it further, he was not *silent in the Matter*, he did not leave this as an Exception *implied* and *to be suppos'd* by the general Rule, but proceeded and argued expressly upon it for two or three Sentences together; Nor were his Expressions in this respect entirely agreeable to those of the Apostle. In the next place, did the Doctor yield the Objection to his Adversaries? Did he allow the Resistance us'd to bring about the late happy Revolution to have been

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a lawful Reſiſtance, and to be an Exception out of his general Rule? No, juſt the contrary: He was ſo far from agreeing with his Adverſaries in this Point, or giving way to the Exception, that in Vindication of the Revolution, as he would be thought to ſpeak, he pronounced thoſe, who make the Exception, and contend for the Lawfulneſs of that Reſiſtance, to be Enemies to the Revolution; and that Reſiſtance which the Commons aſſert to be the Neceſſary Means by which it was brought about, he deſcribed to be odious Colours caſt upon the Revolution. That in his next Sentence he inſinuated, That there was no Reſiſtance at the Revolution, and, to that end, Miſrepreſented his late Majeſty as having diſclaim'd it; and with the ſame intent likewiſe, that the Parliament ſet the Crown on his Head, on no other Title than of the *Vacancy of the Throne*; and ſtill the more effectually to delude his Hearers into the Belief of his general Aſſertion, groſly and ridiculouſly perverted the Cenſure paſt by a future Parliament upon the Notion of *Conqueſt*, as a Condemnation of that *Reſiſtance*. That having thus conſidered this Objection of the Revolution, and the following parts of his Paragraph being Expreſſions of Triumph over his Adverſaries, whoſe Objection he would be ſuppoſed to have confuted, towards the cloſe of it he uſed theſe Words, as his Concluſion and Judgment upon it; *In ſhort, as the* Engliſh *Government can never be ſecure on any other Principles but ſtrictly thoſe of the Church of* ENGLAND, *ſo he will be bold to ſay*, &c. That his general Rule of Non-Reſiſtance on any Pretence whatſoever he had before laid down as the Doctrine and Principle of the Church, which, after having conſider'd the Caſe of the Revolution as an imaginary Exception to it, he reaſſerted in thoſe Words. And what clearer Indication could their Lordſhips receive of the Doctor's Intention in his general Aſſertion? Could their Lordſhips, or any Body that ſhould conſider the Tenor of that part of his Diſcourſe, retain any Doubt whether he had *plainly and fully declared* himſelf, *That the Reſiſtance us'd to bring about the late happy Revolution was odious and unjuſtifiable, and not to be excepted out of his fundamental Rule of the Illegality of Reſiſtance on any Pretence whatſoever*? And could it be ſaid that this Interpretation of his Diſcourſe was *ſtrain'd and unnatural*? Was this Part of their Charge maintain'd *by conjoining diſtant and independent Paſſages*? Or was not the Connexion clear and neceſſary, and the Senſe they contended for, the only Senſe, the Words could properly bear, in the moſt candid and genuine Interpretation of them? That the Gentleman, whoſe Objection from the Bar, he (Mr. *Lechmere*) had been conſidering, ſaid, *That it one thing expreſly to affirm that the Revolution is not to be ex-*

cepted, and another thing not to make that Exception; but, tho' the Words of the Sermon were not an expreſs and literal Affirmation, yet if this Conſtruction appear'd to their Lordſhips to be neceſſary and certain, they would be taken by them to be an ample and undeniable Declaration of his Mind; and this poor Shift, thus emphatically inſiſted on at the Bar, would amount to no more, than what the Dr. had before ſaid in his Anſwer in plainer Words, *That he had not maintain'd the Neceſſary Means to be Odious and Unjuſtifiable, becauſe he had not made uſe of thoſe very Words.*

That the next Paſſage which he ſhould obſerve to their Lordſhips, fell from the Gentleman who ſpoke third in Defence of this Article; his Words were theſe; I have been *careful and exact* in collecting them, 'One Learned Gentle-'man, ſays he, did obſerve, that there was an Original Con-'tract, and that by that Contract, if the Executive Power 'invaded the reſt, that Contract was broke, and the People 'diſcharged from their Allegiance; but he did not think fit 'to take notice when that Contract was made: I would fain 'know, whether it was before *Magna Charta* or ſince; if it 'was before, it is much no mention is made of it there, for 'that has been always look'd upon as the Great Charter of 'the Rights of the People. Was it before 25 *Ed.* 3.? then 'I would know, Whether that Contract made before the 25 'Ed. 3. could ever diſcharge that Act which was made after 'it? If it doth diſcharge the Subject of their Allegiance, I 'have never yet known it pleaded to any Indictment for 'High Treaſon upon that Act; and, therefore, *'Till the Le-'giſlature ſhall determine what that Contract is, and what Breach 'of it ſhall diſcharge the Subjects of their Allegiance, I muſt take 'leave to ſay, that Reſiſtance ſtands ſtill upon the Foot of the 'Statute of* 25 Ed. 3. That the Nature and Conſequence of this Paſſage would bear a much more ample Conſideration, than his Time has allowed him to give it, or than might be fit to trouble their Lordſhips with, on this Reply; but, he conceived a ſhort Notice of it, and of the near Relation it bore to the Matter now before them in Judgment, might yield a pretty clear Diſcovery and Explanation of the whole. But the diſtance of Time ſince the opening of the Charge, and the many palpable Miſconſtructions, which ſome of the Council had allowed to themſelves, of what had been offered by ſome of the Managers in behalf of the Commons, made it neceſſary for him, even in this Particular, to remind their Lordſhips of the Connexion of the Diſcourſe, out of which this Obſervation was rais'd: That their Lordſhips were acquainted, in opening the Charge, with how great Caution, and with what unfeigned Regard to Her Majeſty and Her Govern-

Government, and to the Duty and Allegiance of Her Subjects, the Commons made choice of the words *Neceſſary Means*, to expreſs the Reſiſtance that was made uſe of to bring about the Revolution, and, with the condemning of which, the Dr. was charged by this Article; not doubting, but that the aſſerting the *Honour* and *Juſtice of that Reſiſtance*, from the Neceſſity of that Caſe, and to which alone they had ſtrictly confin'd themſelves, when duly conſider'd, would confirm and ſtrengthen, and be underſtood to be, an effectual Security of the Allegiance of the Subject to the Crown of this Realm in every other Caſe, where there is not the ſame Neceſſity; and that the *Right of the People to Self-defence*, and *Preſervation of their Liberties by Reſiſtance*, as their laſt Remedy, is *the Reſult of a Caſe of ſuch Neceſſity only*, and by which the ORIGINAL CONTRACT between King and People is broke. That this was the Principle laid down and carried through all that was ſaid with reſpect to Allegiance, and on which Foundation, in the Name, and on the Behalf of all the Commons of *Great Britain*, they aſſerted and juſtified that Reſiſtance, by which the late *Happy Revolution* was brought about. That when the Gentleman from the Bar endeavour'd thus, in a *ludicrous manner*, to explode the Original Contract between the King and People, he muſt not be ſuppoſed to be ignorant, that thoſe very Words are part of the Vote of the *Abdication*, the Vote of both Houſes of Parliament, at the time of the Revolution, antecedent to that Settlement of the Crown, on which Her Majeſty's *Parliamentary Title*, and our preſent Eſtabliſhment, is founded. That he had thought it neceſſary to Tranſcribe that Proceeding from their Lordſhips Journals, now lying on their Table and would ſtate it to them, as he had taken it from thence. That upon the twenty ninth of *January*, 1688, *A Meſſage was brought from the Commons by Mr.* Hampden *and others*, who ſaid, *The Commons taking into their Conſideration the State of this Kingdom, had paſs'd a Vote, to which they deſired your Lordſhips Concurrence*, which Vote was as follows; *Reſolved, That King* James *the Second having endeavoured to ſubvert the Conſtitution of the Kingdom, by breaking the Original Contract between King and People; and by advice of Jeſuits and other wicked Perſons, having violated the Fundamental Laws of this Kingdom, and having withdrawn himſelf out of this Kingdom, has abdicated the Government, and the Throne is thereby become vacant.* That their Lordſhips Houſe Reſolved it ſelf into a Committee of the whole Houſe, and the Vote, containing in it divers Particulars, upon the 30th day of *January* was conſidered by Paragraphs, the firſt of which was, *That King* James *the Second having endeavour'd to Subvert the Conſtitution of the Kingdom, by breaking the Original*

ginal Contract between King and People; to which the Committee, and the House afterwards, agreed without any Amendment: Now, when it appear'd to their Lordships and the World, that *breaking the Original Contract between King and People*, were the Words made Choice of, by that House of Commons, with the greatest Deliberation and Judgment, and approv'd of by their Lordships, in that first and Fundamental Step made towards the Re-establishment of the Government, which had receiv'd so great a shock, from the *evil Councils*, which had been given to that unfortunate Prince, and that they were stated in that Vote as a Consequence of his endeavouring to Subvert the Constitution of the Kingdom; he need not say, how much the Lawfulness of that Resistance, which had been before made by the People, and which was now the immediate Question, nay, how much the Justice of the Revolution it self, would be affected by a Condemnation of that Position: And what Light did it give to the Question now before their Lordships, when at their Bar, in Defence of a Person accus'd by the Commons for condemning the Necessary Means which brought about the Revolution, they had heard that *Original Contract*, at that time so solemnly declared to be a Fundamental Principle, publickly denied, *ridicul'd and endeavour'd* (in what manner 'twas easie to judge) *to have been exploded*?

That the Truth of that Position had its Foundation in the Nature and Essence of the Constitution of our Government, and it would stand, so long as this remains; and the Sanction, it had receiv'd from their Lordships, and from that House of Commons, who had with so much Wisdom and Bravery asserted the Rights of the Kingdom in that extraordinary Juncture, and who, pursuant to that Resolution, settled the Crown upon Her Sacred Majesty, ought to render it indisputable, so long, at least, as that Establishment is preserved to us. But yet, could he (Mr. *Lechmere*) think it seasonable to enter into it, to consider more particularly the Nature of our Government, to draw together some of the many incontestible Evidences of its Original Freedom, to consider more particularly the Nature of our Government, to draw together some of the many incontestible Evidences of its Original Freedom, to consider the Nature, Antiquity, and History of the Coronation Oath, and the Oath of Allegiance, and the mutual Obligations and Consequences arising from them to the Prince and People; Was he to go over the several Branches, that make up the ancient Frame of our Government, and which speak and express a Consent and Compact between the Prince and People in their Institution, and was he to observe that inseparable Relation and equal Security which they import between the Crown and the Subject,

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and which are so many infallible Tokens of Original Consent stampt upon them, the Truth and Certainty of that Position of an ORIGINAL CONTRACT between the King and People, might be laid down to their Lordships in demonstrative Terms. That the Gentleman that mis'd this Observation soon afterwards, in the same Discourse, suppos'd, that by the *Original Contract*, the Original Constitution was meant; That how strictly proper that manner of speaking might be found to be, he would not now determine, yet thus much might with Certainty be concluded; That the denying the Original Contract, is not only to disavow the whole Proceeding at the time of the Revolution, but to renounce the Constitution it self, to disclaim those many and undeniable Proofs and Testimonies of it, which almost every part of our History, our Records and Memorials of Antiquity, will furnish. That to deny the Original Contract of Government, is to contradict and condemn the Voice and Tenor of all our Laws, of every Act of the Supreme Legislative Power, the Force and Efficacy of which exists upon the Consent of the Crown, Lords, and Commons, and are therefore so many lasting and unerring Proofs of that, as the Original Foundation of that Supreme Power; That 'tis not only to oppose the constant Judgment of all learned Men, who have understood and wrote impartially of our Government, but even the Sense of many of those Writings, which had been produced and read to their Lordships in the Dr's. Defence, and, more particularly, that of the judicious Mr. *Hooker*. That to deny and condemn the Original Contract between King and People, what other Consequences cou'd it produce, than to unhinge the Government, and to destroy that excellent Ballance of Power, which is secur'd by it, and by which it has been so long preserved? That it must weaken the ancient and just Prerogatives of the Crown, subvert the Foundations of their Lordships Legislative and Judicial Powers; render the Parliamentary Rights of the Commons precarious and uncertain, and terminate at length in that absurd, yet dangerous, Opinion, of the *Patriarchal Right*, which, when joined together with the Doctrines of absolute and unlimited Non-Resistance, and unconditional Obedience of the Subject to their Prince, compleats that fatal System, which had been, of late, so much contended for, towards the enslaving Mankind. But that their Lordships would consider further, what Use and Application was made of this Passage by the Council; his Conclusion was, *That till the Legislature had determined what that Contract was, and what Breach of it shall discharge the Subjects of their Allegiance, he took leave to say, that Resistance still stood upon the foot of* 25. E. 3. That the *Managers* stood there entrusted to maintain the

the Charge contain'd in their Article, to affert the Juſtice of that Reſiſtance only, which brought about the late happy Revolution; and that being the Reſiſtance in queſtion, and to which alone they had apply'd themſelves, and in Support of which the *Original Contract* was mentioned; what was the plain *Engliſh* of this Inference drawn from the denial of it, did it not amount to an open and poſitive Declaration from the Mouth of Dr. *Sacheverell*'s Council, That that Reſiſtance which was the neceſſary Means us'd to bring about the late happy Revolution, inſtead of being an Honourable and Lawful Reſiſtance, was an Act of Rebellion and High-Treaſon?

That having conſider'd theſe Particulars, he begg'd their Lordſhips Indulgence to make a few Obſervations on the Nature and Method of the Defence to this Article: That their Lordſhips would remember, tho' it ſeem'd to have been totally forgot on the Priſoner's part, that the Maintenance of this Article had not reſted on the Doctor's general Aſſertion alone, but upon the following Paſſages, now ſtated to their Lordſhips; from whence the Managers had undertaken to convince them, that Doctor *Sacheverell* had applied that general Rule of Non-Reſiſtance to the particular Caſe of the Revolution; and this, having render'd the Independent Conſideration of the general Aſſertion, wholly immaterial, when their Lordſhips afterwards heard the Admiſſions that were made by the Council, of the Legality of the Reſiſtance us'd to bring about the Revolution, their Lordſhips might reaſonably have expected, that the only Queſtion remaining on this Article would have been, *how far thoſe ſubſequent Paſſages of the Sermon did Evince the Intent of the general Aſſertion.* But, tho' the Queſtion had been thus plainly ſtated and maintain'd, and the Method of the Doctor's Vindication thus clearly pointed out to him, yet how little had been ſaid? How little notice had been taken of this, which was his proper Defence? The Gentleman who began the Defence had, indeed, denied the Charge of this Article; the Force of that, and of his Argument, which followed, had been conſidered; but if their Lordſhips ſhould not think fit to accept that ſingle Attempt as ſufficient to acquit the Priſoner, (together with a nervous Obſervation of the Interpoſition of ſome Lines between the general Aſſertion, and that Sentence wherein the Revolution is named) how much would their Lorſhips find, throughout that long and labour'd Harangue, that could be judged by them, at all material, to the true Queſtion before them? For, tho' the general Doctrine of Non-Reſiſtance, the Doctrine of the Church of *England*, as ſtated in her Homilies, or elſewhere deliver'd, by which the general Duty of Subjects to the Higher Powers is taught, be owned to be, as unqueſtionably

queſtionably it is, a godly and wholeſome Doctrine; tho' this general Doctrine has been conſtantly inculcated by the Reverend Fathers of the Church, dead and living, and preach'd by them, as a Preſervative againſt the *Popiſh* Doctrine of depoſing Princes, and as the ordinary Rule of Obedience; and, tho' the ſame Doctrine has been preach'd, maintain'd and avow'd by our moſt Orthodox and able Divines, from the time of the Reformation; And, How *Innocent a Man* ſoever Dr. *Sacheverell* had been, if, *with an honeſt and well-meant Zeal*, he had preach'd the ſame Doctrine, in the ſame general Terms, in which he found it deliver'd by the Apoſtles of Chriſt, as taught by the Homilies, and the Reverend Fathers of our Church, and, in Imitation of thoſe great Examples, had only preſs'd the general Duty of Obedience, and the Illegality of Reſiſtance, without taking Notice of any Exception; yet, what Excuſe could be derived, to the Matter now in Queſtion, from ſuch Conſiderations as theſe, in Favour of the Doctor, who, had not only aſſerted the general Rule in Terms of the greateſt Latitude, but had expreſly mention'd and diſallow'd the Exception of the Reſiſtance, which brought about the Revolution? And, whatever was the Language of our Laws, *repealed or in force*, wherein the ſame general Duty of Subjects is ſtated, and the Rule laid down to them, as Neceſſary and Fundamental for the ſafety of the Crown and Government, and the Peace of the Kingdom, and which are meant to enforce and ſecure their Civil Obedience in ordinary caſes, (but which no Body would ſay can be conſtrued to extend to the caſe of a People, threatned by their Prince with total Deſtruction, the utter Subverſion of their Laws, and the loſs of their Religion and Liberties, to a caſe of the laſt Neceſſity, *ſuch a Caſe as the Revolution was*,) yet no Uſe could poſſibly be made of ſuch Declarations in our Acts of Parliament to juſtifie the Doctor, who by his general Aſſertion, had not only out-gone even thoſe general Declarations, but had undeniably applied it in Condemnation of the Caſe of the Revolution, which was the Charge of this Article. That their Lordſhips would allow him to obſerve yet a little further: That the Nature of this Article appearing to every Body to be of that near Concern to Her Majeſty and Her Government, their Lordſhips had, indeed, heard very warm and pathetick Expreſſions of Loyalty of very tender and dutiful Regard to Her Majeſty's Title, and much Labour and Vehemence was us'd to perſwade their Lordſhips into a Belief of this: But yet their Lordſhips could not but obſerve, where the real Streſs and Force of the Argument was plac'd, and where it center'd at laſt; That their Lordſhips would find, the great Effort was made to Eſtabliſh

ſtabliſh the general Doctrine of *Non-Reſiſtance*, to inculcate this, in Terms of the largeſt Extent, in the ſame univerſal Terms, wherein the Doctor had delivered it, and than which Mr. *Lechmere* was at a Loſs to find Words that could extend it further; That if their Lordſhips ſhould think fit to look back, with particular Exactneſs, upon the ſeveral Diſcourſes, which had been made from the Bar on this Article, and, for their more accurate Judgment, ſhould think proper to lay them together, and obſerve their Conſiſtency; and if, from ſuch an Examination, they ſhould ſee Cauſe to compare that, which was firſt delivered, with that, which was afterwards ſpoke by the Doctor himſelf, (for, between them the Reſemblance ſeem'd to be the neareſt, and *the Difference between them in the Notions of Allegiance* but *very ſmall*,) their Lordſhips, might perhaps, in a great Meaſure, Collect from thence the true Genius of this Defence. That their Lordſhips would obſerve in how different a Manner, with what different Zeal, the main Points in Agitation had been handled by them; he meant, the Juſtice of the Reſiſtance, which brought about the Revolution, and the general Doctrine of Non-Reſiſtance. That it had already been obſerved, that the Doctor himſelf made no Admiſſions concerning the Lawfulneſs of that Reſiſtance, but had *us'd Expreſſions* of due Regard to the Proteſtant Succeſſion; That the Gentleman, who open'd the Defence, it being, it ſeems, of no Conſequence to the preſent Occaſion, came to no Declaration in this Point of the Proteſtant Succeſſion; But, as to the Honour and Juſtice of the Revolution, his Approaches were nearer; He had acquainted their Lordſhips, That *there is nothi g further from our Hearts, nor any thing leſs Neceſſary for our Defence, than for us to call in Queſtion the Juſtice of the Revolution.*

That at another Time, he delivered himſelf in general Terms; *Such a Caſe*, (that *is*, a Caſe of Neceſſity, a Caſe never to be mentioned, but to be ſuppos'd and implyed) *the Revolution was:* But, in other Parts of the ſame Diſcourſe, the Expreſſions, *even concerning the Revolution* would be found to be more reſerv'd and wary, and always ſoften'd with ſome ſaving Particle: Thus ſhy and tender at the beſt, had the Admiſſions been from thoſe two Diſcourſes, of the Lawfulneſs of that Reſiſtance which brought about the late *Happy Revolution*: But, as for the Doctrine of Abſolute Unlimited Non-Reſiſtance, by which, if it be not an Erroneous Doctrine, the Juſtice of the Reſiſtance, which was the Neceſſary Means that brought about the Revolution, (and in purſuance of which the Crown was ſettled on Her Majeſty and the Proteſtant Line) muſt for ever remain Condemn'd; 'What Fervency and Copiouſneſs of Expreſſion was, ſaid he,

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« us'd to Eſtabliſh that? What Cautions had appear'd to « guard and ſecure this Doctrine as Inviolable? How often, « and with what Zeal was it inculcated, that the general « Doctrine, was that Doctrine which alone was to be « preach'd and preſs'd? The Exception, *the Caſe of Neceſſity, « the Caſe of the Revolution*, the only Caſe contended for, was « not fit to be mentioned; The Dr's. general Rule was that « abſolute, which was proper to be inculcated and believed; « the excepted Caſe never to be ſtated, but to be ſuppos'd or « imply'd, and *to be left to juſtifie it ſelf.*

« My Lords, *continued he*, How comes it to paſs, that ſo « little Concern has been ſhewn, in the Courſe of this De- « bate from the Bar, to that, which was the proper Defence « of the Criminal, to clear the Paſſages of his Sermon from « the noxious Meaning they had been ſhewn to bear? How « comes it to paſs, that the *Honour* and Juſtice *of the Revolu- « tion* is thus tenderly Acknowledged; but yet, all that has « been ſaid to Support it, has by this Gentleman been en- « deavour'd to be enervated, and at the ſame Time the ex- « treameſt Zeal ſhewn to Eſtabliſh the general Poſition, tho' « altogether immaterial? I'll once more venture at a *Charita- « ble Reconciliation* of *thoſe* ſeeming *Inconſiſtencies*: Upon a « very ſtrict and minute Recollection, your Lordſhips will « find, that *the Reſiſtance*, the *Neceſſary Means* us'd to bring « about the Revolution, is never once Acknowledg'd in that « firſt Diſcourſe in *plain and expreſs Terms*: The Caſe of Ne- « ceſſity in general, the Caſe of the Revolution, was ſo am- « biguouſly ſpoke of, and ſo skilfully given up, that, by the « *kind help of ſome happy Diſtinction*, when *the Seaſon is proper*, « 'twill be eaſie to retrieve it; tho' your Lordſhips may re- « member ſome plauſible Expreſſions concerning the Juſtice of « the Revolution, yet you will find, the real Concluſions of « the Diſcourſe tend to condemn it; and ſuch remarkable In- « ſtances choſen, ſuch as the Caſe of the two *Spencers*, « which, being applied to the Caſe of the Revolution, re- « preſent its Principles damnable, its Conſequences deteſta- « ble, and the Aſſertors of it deſerving Baniſhment; Your « Lordſhips will find the Argument ſo well adjuſted to the « *main Point in view*, to Eſtabliſh the *ſlaviſh* Doctrine of *Abſo- « lute Unlimited, Non-Reſiſtance*, that, if the worſt ſhould « happen, even that againſt which we are now contending, « the judicious Reſerves that Gentleman has uſed on the « Point in Queſtion, and the real Service he may be « thought to have done to that *ſlaviſh* Doctrine, may, « in due time, raiſe a Merit in Favour of all its Con- « ſequences.

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'He added, That as an undeniable Evidence of a *sincere* 'Affection to the Case of Necessity, the Case of the Revo-'lution, He would put their Lordships in mind of the Pas-'sage quoted from Mr. *Pym* in his Declaration against Do-'ctor *Manwaring*. That the Doctrine Preach'd in those Days, and for which he was Impeach'd by the Commons, was the at-tributing an *Absolute Power to the King* over the Property of the Subject, tho' with some *deceitful* Limitations, as that of extream and urgent Necessity. That Mr. *Pym* had shewn the Vanity and Fruitlessness of that Limitation, it being left to the Prince to determine what is an urgent and pressing Ne-cessity; and to represent the Danger of such a Case, of al-lowing any Exception upon any Pretence, even that of *ex-treme Necessity*, he cited the Charter of *Lewis* the 10th of *France* to the Dutchy of *Normandy*, wherein that Prince ha-ving acknowledged the Franchises of the Dutchy, and grant-ed to them, that for ever afterwards they should be free from all Exactions from him and his Successors, these Words followed, *unless great Necessity required*; which small Excep-tion, Mr. *Pym* observed, had in Time devoured all their Im-munities. That Mr. *Pym*, in that Speech, arguing against the Position advanc'd by Doctor *Manwaring*, condemns the least Pretence of any Exception: And the Gentleman, who quoted this Passage from him, having endeavoured to esta-blish his General Doctrine of *Absolute Non-Resistance*, the Do-ctrine preach'd by Doctor *Sacheverell*, and having shewn the Danger of mentioning any Exception to it, even that of the Case of Necessity, and *such a Case*, he had before told their Lordships, *the Revolution* was, concluded from that Instance, that such Exceptions wou'd in Time devour all Allegiance. He urg'd that this had been the Method, these the Argu-ments us'd to acquit the Doctor, to shew the Innocence of his Intention, and that there was no Design either in his Sermon or his Defence, to condemn the Resistance, *the neces-sary Means* which brought about the late Happy Revolution; And from these Observations their Lordships might possibly discern the Consistency of the whole Defence. That he beg-ged leave only to *turn the Case*, to suppose a Case of a real Design to condemn the late *Glorious Revolution*, and all the *Happy Consequences* of it, at a Time, when express Declara-tions of such a wicked and traiterous Intention may not be judged proper, at a Time, when some plausible Expressions of the Justice of it, may be thought Useful and Necessary, and, at such a Time, let the Illegality of Resistance on any Pre-tence whatsoever, be laid down and enforc'd in its utmost Extent; let the Danger of stating or mentioning any Ex-ception to it, be strongly inculcated; let the Justice of the

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Exception, even of the Case of Necessity, *such a Case as the Revolution was*, be illustrated by an Instance, wherein 'tis expressly condemned; and might it not be said, *'Tis easie to discern what Spirit* such a Person *is of, of what Party he is, what he aims at, and what he intends; that he has not been speaking in Defence of the late Revolution*, can't be look'd upon to *have been arguing for it, and to shew the Justice of it, but was covering the Treason of his Heart, and under Pretence of justifying one Revolution, was labouring to bring about another*: But, what vain Imaginations must possess those Minds, which can flatter themselves into a Belief, that, even whilst they are maintaining Principles, that tend most certainly to undermine the Foundation of Her Majesty's Government, and the Protestant Succession, the most Solemn Protestations out of the same Mouth, and in the same Breath, should pass for an Atonement with their Lordships, or give Satisfaction to any, that heard them.

That their Lordships would consider the evident and necessary Tendency of the Doctrines, which have been preach'd by the Prisoner, and have been again asserted, though not openly avow'd, in their full Extent and Consequence, in Defence of this Article. That the Doctrine of *Absolute Non-Resistance*, the condemning the *Original Contract*, renouncing the *Antient Legal Constitution* of the Government, which is our Title to our Liberties, where Positions, which could have no better Tendency, than to shake the present Settlement of the Crown, and our present Establishment, and to make way for the Pretence of a Natural and Divine Right of Succession: 'Are not those (said he in the Conclusion) the Prin-'ciples taught and avow'd by *Papists* and *Non-Jurors*, and 'whereon their Hopes are founded? And are they more 'Wholesome, or less Dangerous, when they fall from the 'Mouth, or drop from the Pen of the Prisoner, or are asser-'ted in his Defence, tho' *gilded over with specious Pretences*, 'and under the Umbrage of a true Son of the Church? If 'these Doctrines of Unlimited Non-Resistance, of a *sole Hereditary and Divine Right of Succession to the Crown*, are 'the very Doctrines, on the Belief of which, the professed 'Enemies of Her Majesty and Her Government, inviolably 'Engage themselves against Her Title, and against the Pro-'testant Succession; If these are the Tenets, by which they 'openly condemn the late Glorious Revolution, and all its 'Consequences, from which Part of this Defence can your 'Lordships collect the Innocence of the Prisoner? By what 'way of Reasoning can it be concluded, that the same Opi-'nions embrac'd by this Gentleman, do not inevitably en-'gage him in the same Interest?

Sir

Sir Peter King's Speech.

SIR *Peter King*, who ſpoke next, told their Lordſhips it was his Part to reply to the Anſwer that had been given by the Doctor, to the Charge of the Commons of *Great Britain*, with Relation to the Second Article. That when he was entruſted by the Commons to manage this Part of the Charge, He both quoted and read the Paſſages of the Sermon to make good that Charge; Nor did he deſire that any thing ſhould be taken upon Truſt, or any thing receiv'd againſt him but what appear'd from his plain expreſs Words, or by clear, neceſſary and unavoidable Conſequence. That indeed, after the whole Sermon had been read by the Clerk, he thought it too great a trouble to their Lordſhips, to have the Clerk read over the particular Paſſages again at the Table, and therefore he read them himſelf, truly and fairly, as they were in his Sermon; and if I had done otherwiſe, the Doctor and his Council would have ſet him right. That he agreed with the Doctor and his Council that in a Caſe of this Nature, and he would ſay further, in all Caſes whatſoever relating to Crimes, the Charge muſt be maintain'd by poſitive plain Words, or neceſſary and unavoidable Inference, ſuch as no reaſonable Man can withſtand the Light of; and therefore, if there was nothing in this Caſe but dark Hints, ſtrain'd Innuendo's and forc'd Conſtructions, he was ſure, neither the Commons of *Great Britain*, nor himſelf would appear before their Lordſhips with an Attempt to make out a Charge of this Nature: That if it was not prov'd by plain, poſitive and expreſs Words, or neceſſary and unavoidable Inference, he was ſure their Lordſhips would never convict him; becauſe it would not be juſt and right ſo to do. That it is a perverting of Common Juſtice to condemn a Perſon without plain and direct Proof; therefore what they repreſented to their Lordſhips was, that by plain and clear Paſſages in his Sermon, he was guilty of the Charge in the ſecond Article, of maintaining, *That the Toleration granted by Law is Unreaſonable, and the Allowance of it unwarrantable; and that He is a* Falſe Brother *with Relation to God, Religion, or the Church, who Defends Toleration and Liberty of Conſcience.*

That when the Doctor put in his Anſwer to this Article, he had not found out that there was a *Toleration* granted by Law to the Diſſenters, but his Council had now found it out, and they did agree, that there is a *Toleration granted by Law*, and that it is that *Indulgence* which is contain'd in the Act, made in the time of the late King and Queen, but they inſiſted at the ſame time, that the Doctor in his Sermon had not condemn'd or cenſur'd that Toleration; That they

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said he had condemn'd a Toleration, but insinuated there are *two Tolerations* mention'd in his Sermon, the one a *Toleration granted by Law*, which he allow'd and approv'd of; and the other a *General Unlimited Toleration*, which they admitted he did condemn.

That when he (Sir *Peter King*) made out this Charge, he mention'd this Caution of the Doctor's, but at the same time submitted it, whether such a General Expression as that in the 20th page of his Sermon was, could screen him from other plain Passages in which he had condemn'd the Toleration; That if in other Places he had condemn'd it, this Caution was but *Protestatio contra Factum*; For an oblique Defamation may be as Criminal as a direct one: That in the common Cases of Scandal, if one obliquely defame another, and describe him so that it is impossible but every one must know him, it is no Excuse that he did not positively accuse him; so that the Question would be, whether the Doctor had not in the other Passages cited against him plainly censur'd and condemn'd the Toleration granted by Law. That the first Passage cited out of his Sermon, to prove this Charge upon him was in the 10th Page; the Words are, *So that in all those Cases before-mention'd, whosoever presumes to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be arraign'd as a Traytor to our State; Heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring Rebellion and High Treason in the other, and consequently a Crime that concerns the Civil Magistrate as much to punish and restrain, as the Ecclesiastical.* That the former Part was relative to what went before, the latter part was a General Assertion, that *Heterodoxy in the Doctrines of the Church infers Rebellion and High Treason in the State.* That the relative part of this Clause has Relation to the several Doctrines mention'd before, among which, one of the Cases and Instances of False Brotherhood is, *the affirming, that the Divine Apostolical Institution of Episcopacy is a novel Doctrine, not sufficiently warranted by Scripture; whoever affirms this, is guilty of an Innovation or Alteration of the Articles of our Church.* That the Dissenters of all sorts universally hold this Proposition, and they are exempted from subscribing the 36th Article which asserts Episcopacy: But, said the Doctor, tho' they are exempted, yet whosoever asserts this Proposition, is to be *punish'd as a Traitor to the State as well as an Enemy to the Church.* That the Learned Civilian of Council for the Doctor said that the reading the whole Passage would show that it was not intended for the *Dissenters*, but for one in Holy Orders; that if such an one should maintain this Doctrine, *he would be an Apostate from his own Order*; That this Asser-

tion was true, as it stands in p. 8. absolutely consider'd in its self, it is there applied to one in Holy Orders; but as it stands in relation to this Clause, in p. 10. it was a General Assertion, that *whosoever innovates, or alters that Article of the Church*, which the Dissenters do, *ought to be arraign'd as a Traitor to the State.*

He urg'd, That another Answer that had been given hereto, was, that the Doctor there means those who are for Innovations and Alterations in Matters of Faith, which can't respect the Dissenters or their Toleration, because the Dissenters agree with the Church in Matters of Faith, and differ only in Matters of Discipline. But if they gave this Turn to it, it alters the Sense and meaning of the Doctor; for he is not speaking here of Matters of Faith, in Contradistinction to Matters of Discipline; but he is speaking in general of the Articles of Faith of our Church; *whoever presumes in any of the Cases before-mentioned to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be arraign'd as a Traitor to the State.* 'Now (added Sir *Peter King*) what are the Articles of Faith of our Church? Are they not the thirty 'nine Articles? Are not they the Articles of the Faith and 'Religion of the Church? Doth not the thirty sixth Canon 'expressly require the Clergy to subscribe willingly, and ex 'animo, that all, and every the Articles of Religion, being 'in Number thirty nine, are agreeable to the Word of God? 'Now if the thirty nine Articles be the Articles of Faith 'of our Church, and the Dissenters disbelieve the thirty 'sixth Article, and if for that Innovation or Alteration 'they are to be arraign'd as Traitors to the State, what then 'is become of the Toleration, that exempts them from Penalties, and from subscribing the said thirty sixth Article?

That as to the General Proposition immediately following in the same Clause, *viz. Heterodoxy in the Doctrine of the one, naturally producing, and almost necessarily inferring Rebellion and High Treason in the other, and consequently a Crime that converts the Civil Magistrate as much to punish and restrain, as the Ecclesiastical:* He did not remember that any Answer whatsoever was given to it by the Doctor or his Council: And he prayed their Lordships to cast their Eyes on this, and see here was an Affirmation, that *any different Opinion in any of the Articles of the Church is a Crime against the State.* Now all the Dissenters are exempted by the Act of Toleration from subscribing three Articles and an half, others from four and an half, and others from all; And when this Act grants them all these Exemptions, shall it be affirm'd that this *Heterodoxy* allow'd by that Act is *High-Treason and Rebellion*, and that they ought to be arraign'd

thing'd as Traitors? He therefore submitted to every one's Judgment, whether any thing can be more plain against the Toleration than this.

That the next Paſſage cited out of his Sermon, to prove the Charge of the Second Article, was in the 16th and 17th Pages: *viz. What could not be gain'd by Comprehenſion and Toleration, muſt be brought about by Moderation and Occaſional Conformity; that is, what they could not do by open Violence, they will not fail by ſecret Treachery to accompliſh. If the Church can't be pull'd down, it may be blown up; and no Matter with thoſe Men how 'tis deſtroy'd, ſo that it is deſtroy'd.* That here was an Affirmation, that Toleration was doing open Violence to the Church, that the *Falſe Brethren* had a Deſign by Toleration to pull down the Church. Now the Anſwer given to this by one of the Council was what one could ſcarce imagine he was ſerious in, *viz. That this doth not ſuggeſt the Toleration to be unreaſonable, or the Allowance of it unwarrantable, but that it is rather a Commendation of the Toleration, becauſe it ſhews that it could not do the Church any Hurt, it could not pull down the Church, and therefore they have found out a more peſtilent Way, of Occaſional Conformity and Moderation.* But that all that could be collected from hence, is, that Toleration is *a leſs ſucceſsful Evil than Moderation*: Toleration was a ſtorming the Church by Violence, and an endeavouring to pull it down; but tho', by the good Providence of God, it had not been ſo ſucceſsful an Evil as Moderation, which is a ſecret Treachery to undermine the Church, and blow it up, yet it is an Evil: That to ſuppoſe the Church to be either *Pull'd down*, or *Blown up*, which way ſoever it be done, is ſo great an Evil, that every Member of the Church muſt be for preventing it, and uſing all his Endeavours to prevent both thoſe Evils; and therefore to repreſent *Toleration* to be ſuch an Evil to the Church, as to be doing open Violence to the Church, and Pulling it down, was an unfair Reflection on the Paſſions of the Church, and on that Parliament that granted that Toleration, as if they conſider'd its Endeavours to Pull down the Church, and Deſtroy it.

That another Paſſage, in Page 14 of the Sermon, was cited by the Council of the other ſide, as a Paſſage cited by him (Sir *Peter King*) to make out the Charge againſt the Dr. but herein they miſtook, for it was not cited for that Purpoſe, but to ſhew that the Dr. underſtood the Act of Indulgence to be a Toleration; and the Paſſage was this; *Certainly the Toleration was never intended to indulge, and cheriſh ſuch Monſters and Vipers in our Boſom, that ſcatter their Peſtilence at Noon-day, and will rend, diſturb and confound the ſtrongeſt and beſt ſettled Conſtitution in the World.* That he cited this Paſſage

ſage to ſhew, that the Dr. himſelf, at the Time he Preach'd this Sermon, knew what was meant by the *Toleration*; and it plainly proved it, and the Dr. himſelf did not now diſown it; but as to the Propoſition it ſelf contain'd in that part of his Sermon, Sir *Peter King* agreed with him that the Toleration was not intended, and he hoped would never be made uſe of, to ſupport *Atheiſm, Deiſm, Tritheiſm, or any ſuch Monſters and Vipers, but only Diſſenting Proteſtants.*

That the next Paſſage he cited was in the 8th Page; *If upon all Occaſions to comply with the Diſſenters both in publick and private Affairs, as Perſons of tender Conſcience, and Piety, to promote their Intereſts in Elections, to ſneak to them for Places, and Preferment, to defend Toleration, and Liberty of Conſcience, and under the Pretence of Moderation, to excuſe their Separation, and lay the Fault upon the true Sons of the Church, for carrying Matters too high; if to court the Fanaticks in private, and to bear 'em with Patience, if not Approbation, rail at and blaſpheme the Church, and upon Occaſion to juſtifie the King's Murder; if to flatter both dead and living in their Vices, and to tell the World, that if they had Wit, and Money enough, they need no Repentance, and that only Fools and Beggars can be damn'd; if theſe, I ſay, are the modiſh and faſhionable Criterions of a true Church-man, God deliver us from all ſuch* Falſe Brethren. So that here the Doctor made it one of the Characters of a *Falſe Brother* to defend Toleration and Liberty of Conſcience. That the Anſwer given to it was this, That where the Dr. blames thoſe that defend Toleration, it is not thoſe that defend that only and ſingly, and do no other thing, but they muſt at the ſame Time not only defend Toleration, but excuſe the Separation, not by Reaſon of the Toleration, but *by laying the Fault on the Sons of the Church for carrying Things too high*: He did not blame them that barely juſtifie Toleration, unleſs they fall too on the Sons of the Church for carrying things too high. That whether or no that Place was capable of ſuch an Interpretation, their Lordſhips would be the beſt Judges, by looking on the Place, and conſidering whether any two of thoſe Characters were to be united in any one Perſon to make him a *Falſe Brother*. Whether theſe ſeveral Characters were not ſo many different *Criterions* of Falſe Brotherhood; if he did defend Toleration and Liberty of Conſcience; if he did excuſe their Separation, and lay the Fault upon the true Sons of the Church for carrying Matters too high, &c. That they were all different Marks of *Falſe Brotherhood*, ſo that whoſoever defends Liberty of Conſcience and the Toleration is a *Falſe Brother*.

That it was alſo anſwer'd, That in the Act of Indulgence there are a great many Reſtrictions, and therefore this Paſſage

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muſt be underſtood of a Toleration of ſuch as are not qualified by the Act to receive it; and for that end the Act was read, in which are ſeveral Reſtrictions, and the Toleration is not unlimited, but to Perſons under ſuch and ſuch Qualifications conforming themſelves to the Rules there laid down.

'But what Foundation (ſaid Sir *Peter King*) is there for this 'Anſwer in the Paſſage its ſelf? Doth not he there condemn 'Toleration generally, doth not an Univerſal indefinite Pro'poſition include all manner of Toleration, whether general 'or ſpecial? If he had meant it in this reſtrained Senſe, he 'ſhould then have expreſs'd himſelf, that he that defends 'Toleration, except ſuch Toleration as is allow'd by Law, 'is a Falſe Brother; but not doing ſo, but expreſſing it ge'nerally, it is plain that he has condemn'd that Toleration 'that is granted by Law, and it is ſubmitted to your Lord'ſhips that this is a plain Proof againſt him of this Article.

That the next Paſſage was that relating to the *Perfidiouſneſs* of Archbiſhop *Grindall*, in deluding Queen *Elizabeth* to the Toleration of the *Genevian* Diſcipline; that the Dr. in his Anſwer *did conceive he had good Authority from Hiſtory to make out that Aſſertion, but whether he had or no, he did apprehend that ſuch Aſſertion was no Proof of his maintaining or ſuggeſting, that the preſent Legal Toleration was unreaſonable, or the Allowance of it unwarrantable.* To this Sir *Peter King* replied, that in making out the Charge, he did agree with the Dr. That whether he was, or was not miſtaken in that Fact, was not the material Point in queſtion; but that he had put it on the right Queſtion, Whether that Aſſertion, true or falſe, relating to Archbiſhop *Grindall*, was a Condemnation of the Toleration now granted by Law; to that, Sir *Peter King* principally applied himſelf to ſhow that that Fact, as ſtated by the Dr. was a Cenſure of the Toleration; not forgetting at the ſame time to ſay ſomething in Vindication of the Memory of that great Prelate. But that now, the Doctor's Counſel in their Defence, had, in a great meaſure, quitted the true Point that the Dr. rightly put it upon in his Anſwer, and inſtead of endeavouring to ſhew that this is no Reflection on the Toleration, had rather endeavoured to ſhew, 'That 'this Fact of the Archbiſhop is true; That the Reaſon of his 'Diſgrace was for deluding the Queen to the Toleration of 'the *Genevian* Diſcipline, and for giving up the Diſcipline 'of the Church: That at that time there was no Law to 'indulge any Separation from the Church, and therefore for 'the Head of the Church, under the Queen, to give up the 'Diſcipline of the Church, was an High Crime in him; and 'tho' it be an harſh Term, yet it was true to call him a Per'fidious Prelate, and Falſe Son of the Church. That for this

End they did produce and read two Letters, the one from Queen *Elizabeth* to the Bishops throughout *England* for suppressing the Exercise called *Prophesying*, and the other of the Archbishop to the Council; and out of these two they said there is Proof out of the Archbishop's own Mouth, that the Reason why he was under a Suspension, was for deluding Her Majesty to permit a Toleration of the *Genevian* Discipline, and that he acknowledged the Justice of his Punishment for that Crime: And they further aggravated it, that it would be an invidious Reflection on the Character of that Glorious Queen, that she should cause an Archbishop to be Suspended for Prosecuting *Julio* the *Italian* for having two Wives, or for not giving up the Palace of *Lambeth* to the Earl of *Leicester*; as if Sir *Peter King* had insinuated, or could have imagined, that the apparent visible Reason of the Disgrace of the Archbishop, were these things; that the apparent visible Cause of *Grindall*'s Disgrace, was, no doubt, the encouraging of the Exercise called *Prophesying*, and Queen *Elizabeth* knew no other; but yet the real Spring, the secret History, and true Reason, was the Artifice of the Earl of *Leicester*, who had the greatest Power and Credit at that time with the Q. That the good Archbishop had, by his Prosecution of *Julio* the *Italian* Physician, and by his Refusal to alienate *Lambeth*, offended this great Earl, who thereupon meditated Revenge against him; and knowing the Archbishop to be a great Favourer and Promoter of the Exercises called *Prophesyings*, which were far from being Conventicles, or parts of the *Genevian* Discipline, he misrepresented these to the Queen, and by those means incens'd her; but these Misrepresentations had not been, if the Archbishop had not first incens'd *Leicester* in the forementioned two Particulars; that to make this out to be the Fact, he desired their Lordships Patience whilst he refer'd to one or two Histories of good Credit: *Fuller*, in the ninth Book of his Ecclesiastical History, *p.* 130. after he hath recited a long Letter of *Grindall*'s to the Queen about this matter, thus Concludes; *Alas! all in vain*; Leicester *had so fill'd Her Majesty's Ears with Complaints against him, there was no room to receive his Petition. Indeed* Leicester *cast a covetous Eye on* Lambeth *House, alledging as good Arguments for his obtaining thereof, as ever were urg'd by* Ahab *for* Naboth's *Vineyard*; *now* Grindall, *tho' generally condemn'd for Remissness in this kind (parting with more from his See, than ever his Successors thank'd him for) stoutly oppos'd the alienating of this his principal Palace, and made the* Leicestrian *Party to malice him.* He urged, that this is as express an Account as can be, that this was one of the secret Springs of that Prosecution: And as for the other, That he carried on the Prosecution against

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Stubs, that was taken notice of by the same Author in Page 163; and by Camden in his History of Queen Elizabeth, and other Authors; so that the true secret Reason of Grindall's Disgrace, was not for tolerating the Genevian Discipline: And indeed it would be a Paradox, that the Earl of Leicester, who was the great Patron and Support of the Puritans, should run down this Archbishop for encouraging of Puritanism; which shew'd plainly there was some other Reason: And it was no Reflection on Queen Elizabeth, that she was deceiv'd by the Misrepresentation of a Person on whom she entirely reli-ed; *For Princes are not exempt from the common Frailties of Human Nature, and may be impos'd on by those whom they most trust.*

'But, (my Lords, *added he*) without considering the latent Causes of his Disgrace, let us consider the visible Cause, which was known only to Queen Elizabeth; Do the Letters which they have produc'd prove, that the Archbishop suffered for deluding the Queen to the Toleration of the Genevian Discipline? it appears thereby, that Queen Elizabeth was displeased at those Exercises called *Prophesyings*, which the Archbishop encouraged and favoured; but it is a great Mistake to think that those *Prophesyings* were Conventicles or Assemblies of *Puritans*; they were really Meetings of the Parochial Clergy of the *Church of ENGLAND*, which since have been called Conferences, to improve one another in the expounding of the Scriptures; the manner of those *Prophesyings* was this, the Ministers within each Archidiaconry, or some other Precinct, met on some Week-day in the most noted place in that Precinct; some ancient grave Minister, appointed by the Bishop did preside; then every Minister successively, the youngest still beginning, did handle some Text of Scripture, shewing the Sense of the Place, the Propriety of the Words, the Diversity of Interpretation, the Virtues Injoined, and the Vices Prohibited; no Layman was ever suffered to speak, nor any Clergyman, unless first Licensed by the Bishop: This was that which they call'd *Prophesying*, and continued about two Hours, and then the Conclusion was with a Prayer for the Queen and all Estates, as is appointed by the Book of Common-Prayer, and a Psalm. Now can any one think this was an Encouragement of the Genevian Discipline? Can this be called the Holding of Conventicles, or Receding from the Discipline of the Church? Nothing like it; though, if it were, it appears by the Letters that he did not delude the Queen to encourage the Genevian Discipline. No; if this was the Genevian Discipline, the Queen would not be deluded by him; and because he would not obey the Queen in suppres-

'preſſing theſe *Prophecyings*, this was the apparent Cauſe of 'his Diſgrace.

That as to the Letter, becauſe it is ſaid the Archbiſhop owns his Crime; how does he do it? *I can't deny*, ſays he, *but that I have been Commanded, both by the Queen's Majeſty her ſelf, and alſo by divers of your Honourable Lordſhips in her Name, to ſuppreſs all thoſe Exerciſes within my Province that are commonly called Prophecies.* That he did not deny the Queen had given him that Command, or that he did not comply with it: *But*, ſaith he, *I do proteſt before God, the Judge of all Hearts, that I did not of any Stubbornneſs or Wilfulneſs refuſe to accompliſh the ſame, but only upon Conſcience:* And goes on and ſhews the Reaſons on which that Conſcience was founded. That he denied it not out of Stubbornneſs or Diſobedience, but out of a Perſwaſion of Conſcience, becauſe he found it profitable and uſeful to the Church. But how did he behave himſelf under this? *And whereas*, ſays he, *I have ſuſtained the Reſtraint of my Liberty, and Sequeſtration of my Juriſdiction, now by the ſpace of ſix Months, I am ſo far from repining thereat, or thinking my ſelf injuriouſly or hardly dealt withal therein at Her Majeſty's Hands, that I do thankfully embrace, and frankly, with all Humility, acknowledge her Princely, Gracious, and rare Clemency toward me, who having Authority and Power to have uſed greater and ſharper Severity againſt me, and for good Policy and Example thinking it ſo expedient, hath, notwithſtanding, dealt ſo mercifully, mildly and gently with me.*

What Language more becoming a Grave Prelate could be uſed? He patiently ſubmitted to Her Majeſty's Authority, neither Murmuring nor Obſtinate; but there being a Superior Obligation of Conſcience, which it was not in the Power of any Man to diſpenſe with, he thought himſelf obliged, as a true Example to all Clergymen and others, to ſubmit to the Dictates of his Conſcience, but ſtill with Patience, Calmneſs and Obedience.

'Is there, *continued he*, any thing in this that looks like 'giving up the Intereſts of the Church? Not only this good 'Archbiſhop, but ſeveral others of the beſt Biſhops of thoſe 'Times, had thoſe Exerciſes in their Dioceſes, and concurr'd 'with him in the Encouragement of them. And can it be 'thought that thoſe Biſhops, who were Exiles in Queen *Mary*'s Time, and were afterwards the Happy and Glorious 'Inſtruments under God in ſettling the Liturgy and the 'Articles of the Church, were for giving up the Eſtabliſhment of the Church, by introducing that which is now 'inſinuated to be the *Genevian* Diſcipline? But thoſe Biſhops then thought it was a likely way to make an honeſt, 'learned, and laborious Clergy. Is there any thing in this

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‘ to occasion the calling him a *perfidious Prelate*? A perfidious ‘ Man is he that violates his Conscience to obtain a Temporal ‘ End; but he chose to lose the Queen's Favour, rather than ‘ part with a Good Conscience.

That he never found that Archbishop *Grindal* was ever spoke hardly of by any *English* Divine of Credit, 'till the Time of Archbishop *Laud*; and then, to Extol Archbishop *Laud* for an active, zealous Prelate, it became the Fashion to run down his Predecessor, *Abbot*, as a remiss Man, to Court the present Archbishop by detracting from the Memory of the last; and to carry on the Compliment, a Parallel was made between Archbishop *Grindal* and his Successor *Whitgift*. That he only mention'd this, to shew that for a long time the Memory of that good Archbishop was had in Esteem, and that he was always look'd upon as a principal Father of the Reformation of the Church, before this Time. But that the main Point was, Whether or no the Doctor's Representation of Archbishop *Grindal*, as a *False Son of the Church*, and a *perfidious Prelate* for doing what he laid to his Charge; and, Whether his Commendation of Queen *Elizabeth*, for the Resolution she took to Suppress the Dissenters, and for her Prudence in exercising Wholesome Severities on them, whereby the Crown sat ease on her Head, be a Censure or Condemnation of the present Toleration. That as to this, the Council for the Doctor first said, That in Queen *Elizabeth*'s Time *Schism was in its Infancy, the Number of Dissenters were but few, and therefore the exercising of Severities at that time was Wholesome, because it might have crush'd them in their Beginning, and prevented the growing Encroachments of those Persons*; but at the time when the Act of *Toleration was made, the Dissenters were Increased, and were Possessors of great Property, and it was reasonable to grant them a Toleration, for it might be a Disturbance to the State to exercise those Severities upon them, which might have been safely done in the Time of Queen* Elizabeth, *when Schism was in its Infancy, and their Numbers few*: And thence they inferr'd, that what was spoke of the *Toleration* then, can't be applied to the Toleration now. That supposing the Fact to be true, then it follows that the Justice and Reasonableness of the present Toleration depends only on the Strength and Number of the Dissenters: When they are strong and numerous, then they are to be tolerated and permitted; but when their Numbers decrease, and it shall be alledg'd that they are but few, then they are to be crush'd, and the *Wholesome Severities* are to be renewed upon them again; notwithstanding the Preamble of the Bill to prevent Occasional Conformity, which says, *That Persecution for Conscience only, is directly contrary to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of* England,

land, *and that the Act of Toleration ought to be inviolably preserved.* Urging, that if it ought to be inviolably preserved, then, whether the Dissenters in *England* be more or less, they ought to be Tolerated. That this brought to his Mind the memorable Edict that was Publish'd by the *French* King for revoking the Edict of *Nants*, in *October* 1685. the Preamble of which Edict recites, 'That by reason of the great Troubles and 'Wars occasion'd by those of the Reformed Religion, his 'Grandfather *Henry* the Fourth had given them Liberty by 'the Edict of *Nants*, retaining notwithstanding a Design of 'bringing all back again to the *Romish* Church; and his Fa-'ther and himself had had all along the same Design, and that 'in his Time the best and greatest part of the Protestants 'were Converted to the Catholick Faith, and that by reason 'thereof the Execution of that Edict was become of no 'use; and therefore, entirely to wipe out the Memory of 'those Troubles and Confusions which the Protestants had 'occasion'd, he thereby Revok'd that Edict. Adding, May it not be said in this Case, that in Queen *Elizabeth*'s Time, because the Number of Dissenters were few, therefore those Severities were good; and that when the Toleration Act was made, there were greater Numbers, and therefore those Severities were then fit to be taken away; but now the Dissenters are but few again, therefore it may be fit to return to those Severities again.

That another Answer that had been given was, 'That in Queen 'Elizabeth's Time there was no Toleration establish'd by Law, 'and all the Doctor aim'd at was to excite the Magistrates 'to put the Laws in Execution against such Offenders as are 'not Exempted by the Toleration Act. But he submitted to their Lordships whether the Words are capable of that Interpretation. That here is a Commendation of the Piety and Zeal of Queen *Elizabeth*, who resolv'd entirely to suppress the Dissenters, and she in her Prudence put those *wholesome Severities in Execution*. What those wholesome Severities were their Lordships had been told; they were *Hanging, Burning, Abjuration, Confiscation, Imprisonment, Loss of Estate, Liberty and Life.* That he said no more of them, but he believed there was not one Person there, but if these Severities were to be inflicted on him, would be far from thinking them wholesome, and desire to be excus'd from them. That he would not be thought in any thing to reflect on the Memory of that Glorious Queen, who was so eminent an Instrument of God, to deliver this Kingdom from Popery, and from the Power of *Spain*, and to settle the Protestant Religion among us; but it must be confess'd, there were these Blemishes in her Reign, permitted by God's Providence

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for Wise Ends and Purposes; and this should raise our Gratitude to Almighty God, and our Thanks to Her present Majesty, whose Reign hath exceeded Her Predecessor's, Queen *Elizabeth*, without being chequer'd with any of those Spots or Stains; and as Queen *Elizabeth* preserv'd this Kingdom from the Monarchy of Spain, so Her Majesty had preserv'd us from the united Power of *France* and *Spain*, been the Terror of Her Enemies abroad, whilst at the same time she has, with Universal Clemency and Justice cherish'd, and protected all Her Subjects at Home; and as by these Means she had engag'd in the strongest Affection the Hearts of all Her People, so no doubt they would always continue to retain the strictest Duty to a Queen, who had been so universally good to all Her Subjects.

That the last part of the Charge was, that *the Doctor asserts it is the Duty of Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons entituled to the Benefit of the Toleration, and insolently dares or defies any Power on Earth to reverse such Sentence.* That one of the Council said, *that the thundring out those Anathema's is no more than declaring the Judgments of God denounc'd in Scripture against the Wickedness of Men; and that he defires the Superior Pastors to denounce them, because the greater the Authority of the Person denouncing them is, the greater Influence they will have on the Minds of the People.* But that the *Anathema's* he excites them to, are Ecclesiastical Anathema's, which are plainly *Ecclesiastical Censures* and Excommunications. That it was said, That this Expression is ty'd up only to those Anathema's and Sentences that are ratify'd in Heaven, which they said no Power on Earth can reverse. That he should not enter into that Question, whether this is a Proposition strictly just in Divinity: All he should say as to that was this, that all who have wrote the highest of the *Power of the Keys*, allow and maintain that there is a *double Power*, a Power of remitting as well as retaining, of loosing as well as of binding, of opening as well as of shutting, both exercis'd by the Church on Earth. That if the Superior Pastor has for good Cause bound or shut any Person out of the Church, that Sentence is ratify'd in Heaven; but yet notwithstanding, if that Person, so censur'd, reforms and amends, and the Church on Earth restore him again, the first Sentence, tho' ratify'd in Heaven, is vacated and done away by the Church's Power on Earth. But that this was not the Matter now before your Lordships; the Question being, whether Doctor *Sacheverell* excited the Superior Pastors of the Church to thunder out their Anathema's against Persons that are entituled to the Toleration; and he thought that he did so was own'd by his Council; for they

they ſaid, that Schiſm doth expoſe a Man to the Cenſures of the Church, that the Diſſenters were Schiſmaticks before the Act of Toleration, and that that Act don't excuſe the Schiſm, and therefore remain Schiſmaticks ſtill, they are ſtill liable to the Cenſures of the Church. That he did agree with the Doctor, that the Act of Toleration hath made no Alteration as to the Sin of Schiſm; if the Diſſenters were Schiſmaticks before the Toleration, they are Schiſmaticks ſtill; and taking that for granted, then here is the Force of the Doctor's Argument; The Diſſenters were Schiſmaticks before the Act of Toleration; as they were Schiſmaticks before, ſo they are Schiſmaticks ſtill; it is the Duty of all Superior Paſtors to thunder out their Anathema's againſt Schiſmaticks, when they thunder out thoſe Anathema's, they are ratify'd in Heaven; whatever is ratify'd in Heaven no Power on Earth can reverſe; therefore, tho' the Diſſenters be exempted from Humane Penalties by the Toleration Act, and are thereby preſerv'd in the Free Exerciſe of their Religion and Conſciences; yet notwithſtanding that, *Let the Superior Paſtors do their Duty, and thunder out their Anathema's againſt them, and let any Power on Earth reverſe thoſe Anathema's if they can.* Now, ſaid Sir *Peter King* in the Concluſion, can there be a more plain, poſitive and direct Proof of this part of the Article, than this is? Can any thing be a clearer Evidence to prove this laſt part of the Charge againſt him, That *he Suggeſts and Maintains that it is the Duty of Superior Paſtors to thunder out their Eccleſiaſtical Anathema's againſt Perſons entituled to the Benefit of the Toleration Act, and that he inſolently Dares or Deſies any Power on Earth to Reverſe ſuch Sentences?*

My Lords, This is what I have to offer by way of Reply; there is a Gentleman to come after me, who will amply ſupply what I have omitted, and therefore I ſhall not trouble your Lordſhips any further. After this Speech, which was received with great Applauſe, the Lords adjourned to their Houſe above.

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The next Day being the 10th *of* March, *and the Tenth of the Tryal, their Lordſhips came down again into* Weſtminſter-Hall, *and the Commons, and their Managers, having taken their Places, and Her Majeſty being preſent, the Lord-Chancellor told the* Gentlemen-Managers, *that they might proceed in their Reply.*

March 10. *Mr.* Cowper's *Speech, and Reply to the Doctor's Defence to the Second Article.*

HEreupon Mr. *Cowper* ſaid, That when by Command of the Commons, he ſpoke to their Lordſhips a few Days before in Maintenance of the Second Article, towards the Concluſion of what he then ſaid, he preſented to their Lordſhips a ſhort View of what he apprehended they might reaſonably expect would be the Conſequence of the Doctor's bitter Invectives againſt the Act of Toleration, and the Perſons intended to be protected by it. That he likewiſe took Notice of thoſe Heats and Diſputes, of the Feuds and Animoſities, which were then apparently ſtirred up throughout the Kingdom. That he was ſorry to have ſo early an Occaſion to ſay, that his Apprehenſions in this Particular were ſo well grounded: Their Lordſhips had ſeen, that this *ſeditious Libel*, under the *ſpecious Title of a Sermon*, calculated to ſeduce and delude the Rabble, had, even during the Continuance of the Tryal, produced an *actual Rebellion*; in which ſeveral Places of religious Worſhip (appointed for thoſe Perſons, who are by Law tolerated and allowed, but have the Misfortune nevertheleſs to be repreſented by Doctor *Sacheverell* as neceſſary to be deſtroyed) had been accordingly pulled down and burnt, in Defiance of the Supreme Power of the Kingdom; and this, at *the Inſtigation of one who would be thought an Advocate for Paſſive Obedience*. That he could wiſh the Priſoner's indiſcreet Behaviour (which ſeem'd to have abuſed the Liberty with which their Lordſhips had indulged him) might not unhappily have given ſome Occaſion to the Outrage and Violence of late committed, notwithſtanding the Apology he had made in this Particular. That ſure he was, that Diſcord which flamed in the Kingdom

dom was unheard of among us, until the Toleration was thus publickly and seditiously branded, until Doctor *Sacheverell* had presumed to represent it to the People, it was impossible to say how! without referring to his whole Libel.

That his Council had observed, that the second Article contains several Charges, and had insisted that the Passages given in Evidence by the Commons, were not sufficient to maintain the first and second; and as to the third and fourth, they seem'd rather to justifie than deny those Branches of the Charge. That the Commons apprehended, notwithstanding what had been said, First, That Doctor *Sacheverell* had plainly suggested and maintain'd, *That the Toleration granted to Dissenters is unreasonable, and the Allowance of it unwarrantable.* That they insisted he had done this, not in ambiguous or doubtful Words, nor in uncertain Expressions, but in direct and positive Assertions. That the Council admitted, That to speak against a Law in being cannot be justified: Now the Act of Toleration is not only a Law in being, but is a Law which has visibly attained the End for which it was made; that is to say, *by giving Ease to scrupulous Consciences in the Exercise of Religion, it has proved an effectual Means to unite Her Majesty's Protestant Subjects in Interest and Affection.* Yet, this Law, which by the Experience of more than Twenty Years, had been found so useful and necessary, had been traduced and arraigned by the Prisoner, both from the Pulpit, and the Press, with a *malicious and seditious Purpose*, to destroy the Publick Peace and Security of the Kingdom.

That this Offence was of too high a Nature to be justified by the Prisoner and his Council, and therefore it was thought more expedient to deny it, by saying, that Doctor *Sacheverell* affirm'd nothing touching *Legal Indulgence* or Toleration, but all that he had said respects only *Universal Toleration.* That he (Mr. *Cowper*) thought, he had obviated this Excuse, by observing that this Notion of *Universal Toleration* had been conceived and brought forth since the Impeachment. That however he was willing to enter into the Question, whether the Toleration mentioned in the Libel, was intended or could be understood of Universal Toleration.

Vide *Sermon. Fol.* 34. That their Lordships would find these Words: *Nay, now they have advanced themselves, from the religious Liberty our Gracious Sovereign has indulged them, to claim a Civil Right, as they term it, and to justle the Church out of her Establishment, by hoisting their Toleration into its Place.*

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« My Lords, added he, Will any Man deviate so far from « Sense, as to say, that the Doctor here meant Universal To- « leration, in the Sense the Doctor and his Council have de- « fined it? Is Universal Toleration a Religious Liberty, « with which our Gracious Sovereign hath indulged her « Subjects? Nay, my Lords, have not every one of them ar- « gued, and that rightly, that the Doctor's Universal Tole- « ration is not tolerated by Law? That Atheists, Deists, « Trinitists, Socinianists, and those who go to no Religious « Place of Worship, are not exempted from the former Penal- « ties? How then is it possible the Doctor should be under- « stood, as speaking of Universal Toleration in this Passage? « Is not this directly and positively affirmed of the Tolerati- « on, with which the Dissenters are indulged by our Graci- « ous Sovereign? Can your Lordships conceive, the Dissen- « ters are not the Persons intended, when he says *they claim a* « *Civil Right, as they term it, to justle the Church out of her E-* « *stablishment, by hoisting their Toleration into its Place?* Again, « Folio 25. *They thrive upon Concessions, take Permission for* « *Power, and advance Toleration into an Establishment.* ——— « Pray, my Lords, what Concessions have been made to « Persons not within the Benefit of the Act of Tolera- « tion? What Permission is it they can be said to take « for Power? What Toleration have they to advance into an « Establishment?

That, Folio 14, and in many other Places, their Lordships could not but see that all the Doctor's Spleen was levell'd at the Legal Indulgence or Toleration, so that it was misspending their Time, to prove, what it is impossible not to be convinc'd of, upon reading every Passage in the Libel, where Toleration is but so much as mentioned. That the next Thing they urged in the Doctor's Defence was, That if his Expressions did relate to the Legal Indulgence or Toleration, they were so dubious and uncertain, that nothing could be infer'd from them, without Innuendo's and forc'd Constructions. That now the Question was, Whether Doctor *Sacheverell*'s Expressions relating to the Toleration, and the Persons indulged, were dubious and uncertain? Whether any *Innuendo* or forc'd *Construction* was necessary to demonstrate their Malignity? That their Lordships would be pleased to remember, that the Council, from the first to the last, maintained very strenuously (as did the Doctor likewise in his Speech) that altho' the Act of Toleration exempts the Dissenters from Penalties, yet they remain Schismaticks; for, said they, Dissention was Schism before the Statute, and a bare Exemption from a Penalty has not alter'd the Case, but the same remains Schism still; and this Position, was agree-

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able to the Doctor's Opinion as deliver'd in his Sermon, with this Addition only, that all Schism and Separation is a damnable Sin, without making any Allowance for Ignorance, or Prejudice of Education. That his Words are these, Folio 8. *Is this the Spirit and Doctrine of our Holy Mother? To assert Separation from her Communion to be no Schism, or if it is, that Schism is no damnable Sin.* That when he observed in this and other Passages what Spirit this Man was of, he wonder'd not to find, that the most Christian Virtues of Charity and Moderation were mention'd by him with Slight and Contempt. That Folio 25, their Lordships would find him citing a Passage from St. *Paul*'s Epistle to the *Galatians*, chap. 2. after which he adds these Words: *If our Dissenters*, says he, *had lived in those Times, they would have branded him* (i. e. St. *Paul*) *for an intemperate, hot, furious Zealot, that wanted to be sweetned by the gentle Spirit of Charity and Moderation forsooth!* 'My Lords, said Mr. *Cowper*, If our Dissenters had 'lived in those Days, they would have been highly to 'blame, if they had branded the Apostle with those opprobrious Names; whoever peruses that Chapter, will 'find there is not the least Occasion for it. But Doctor '*Sacheverell* would willingly have St. *Paul* thought like 'himself.

He added, He could not take upon him to say what the Dissenters would have said, had they lived in St. *Paul*'s Days: But for his own part, he could not forbear saying now, That since it appear'd to be the Doctor's Opinion that all Separatists are Schismaticks, and that all Schismaticks are damned, he could not but think that Doctor *Sacheverell* wants to be sweetned by that ridiculed Spirit of Charity and Moderation. That he was amazed to hear this Gentleman in his Speech affirm, *that he had not betrayed any want of Christian Moderation in his Sermon*: That he wish'd he had not been unmindful even of Christianity it self, when it was so apparent that in this short Sentence, and in the Passage (Folio 24.) he had *sentenced to Eternal Damnation, not* only the *Dissenters of whatsoever Denomination*, but those also who defend the Toleration. That it was to be hoped, some Things which he had vowed and said for himself in his Defence, may have more of Truth in them than this has. But that to return; the Doctor and his Council were agreed that all Dissenters were Schismaticks; consequently when he spoke of Schism and Schismaticks he must mean the Dissenters; and then he desired the Lords, to judge if the Doctor's Expressions touching the Toleration, and the Dissenters, could be said to be dubious; On the contrary, whether they were not plain, positive and certain? That before he enter'd into this Matter, he

he could not find Fabe Nicolay again of that remarkable Paſſage (Folio 16 and 17.) *What could not be gained by Toleration, muſt be brought about by Occaſional Conformity; that is, what they could not do by open Violence, they will not fail by ſecret Treachery to accompliſh. If the Church can't be pull'd down, it may be blown up; and no matter with theſe Men how it is deſtroyed, ſo it is deſtroyed.* That here is a direct Aſſertion that the Toleration is downright open Violence, and Occaſional Conformity ſecret Treachery; An Aſſertion, that altho' the Toleration has not been able to anſwer the End for which it was deſigned, (i. e.) to pull down the Church; yet *Occaſional Conformity may* blow it up? For what Conſtruction can theſe Words, admit of, viz. *No Matter with theſe Men how it is deſtroyed, ſo it is deſtroyed?* What Men are here intended? Even *Diſſenters* and *Occaſional Conformiſts.*

Is this Paſſage, ſaid he, doubtful and ambiguous? Is here any Occaſion for a forc'd Conſtruction, or an Innuendo? My Lords, 'tis moſt *ſcandalouſly plain*, and as *plainly ſeditious.*

That their Lordſhips had obſerved, that neither the Doctor, or any of his Counſel, (the only excepted) had taken the leaſt Notice, in their Anſwer, of this Paſſage; which was produced and given in Evidence againſt him, and twice at leaſt mentioned by the Managers. That he wonder'd the Author would not vouchſafe to explain it. Is not, ſaddeſt he, this Silence a Confeſſion of his Guilt?

That the Council that did adviſe it, was pleaſed to ſay, that it rather commended this Toleration, than found Fault with it; as if it was ſome Objection to the Toleration, which was intended to pull down and deſtroy the Church, that it had not done it. In what Manner that Anſwer was made, ſo far high and Criminal a Charge, he knew not: The Counſel might reaſonably have expected a more ſerious Anſwer; But from hence they concluded that no Anſwer could be given to it.

That again (Folio 20) the Doctor affirms, *That whoever preſumes to alter or innovate any Thing in the Articles of the Faith of our Church, ought to be arraign'd as a Traitor to the State; Betraying in the Doctrines of the one, unnatural Cowardice, and in the other, moſt manifeſtly inferring Rebellion and High-Treaſon; in the other, and conſequently a Crime that concerns in much the Civil Magiſtrate to puniſh and reſtrain, as the Eccleſiaſtical.* Then he goes on, and adds, *This Aſſertion at firſt View may look like an high-ſtrain Paradox.* ——— He own'd, at firſt View it look'd ſo: 'Twas ſomething like it, and I was not yet convinc'd but it was ſo. For, ſaid he, are not the Diſſenters *Heterodox in Opinion?*

Opinion? consequently they are Rebels and Traitors, according to Doctor *Sacheverell*, and ought to be punished by the Civil Magistrate as such: That is to say, they are to be *hang'd as Rebels*, and *damn'd as Dissenters*. Still, my Lords, we have the Doctor's Word for it, *he has not betray'd the least Want of Christian Charity or Moderation.*

That many are the Paragraphs in this Libel equally obnoxious; and which like these, are too plain to admit of any Answer. That he should not lose Time as to the second Head or Charge in this Article. That Folio 8, They would find it asserted, as plain as Words can speak, that to defend Toleration is the Mark or Characteristick of a False Brother; and (Fol. 24.) they would find his Portion assigned him, with all the rest of the False Brethren, *with Hypocrites and Unbelievers, with all Lyars, in the Lake which burns with Fire and Brimstone, with the Grand-Father of Falshood, the Devil and his Angels.*

That the Charge which relates to Archbishop *Grindall* is, *That Doctor* Sacheverell *asserts, Queen* Elizabeth *was deluded by him to the Toleration of the* Genevian *Discipline; and that, to shew his Resentment against the Archbishop for favouring Toleration, he calls him a false Son of the Church, and a perfidious Prelate.* That the Doctor, throughout his Sermon, is arguing with a furious and intemperate Zeal against the present Toleration; representing it as a Law that gives Encouragement and Protection to *Schismatical Impostors, Enthusiasts, Hypocrites, to a Mungril Union of Sects, to Fanaticks, Rebels, Traitors, Atheists, Deists, Infidels, Socinians, to the Principles of Fanaticism, Atheism, and Impiety, to Monsters and Vipers, that shelter their Impudence at Noon-day, to Jews, Quakers, and Mahometans, in a Word, to all false Brethren*; and after a great deal more of this unpresidented Language, he breaks out (Folio 19) *These Charges are so flagrant and undeniable, that a Man must be very weak, or something worse, that thinks or pretends the Dissenters are to be gained, or won over, by any other Grants or Indulgence, than giving up our whole Constitution. Have they not*, says he, *ever since their unhappy Plantation in this Kingdom, by the Intercession of that false Son of the Church, Bishop* Grindall, *always improved, and rely'd upon their Demands in the Remission of the Government.* That he would fain know whether Doctor *Sacheverell*, by these Words, *A Man must be weak, or worse, that thinks the Dissenters are to be won by any other Indulgence than giving up our whole Constitution*, could mean any other than the present Dissenters, and that Indulgence which is at present afforded them? That in the very Line following he calls them *Clamorous, Inflexible, and Church devouring Malignants*; and then proceeds in the Words before mentioned:

ed: *Have they not* [illegible] *Dissenters, ever since their unhappy* [illegible] *Son of the Church* [illegible] *Council, imposed upon them their Doctrine in the Convocation.* That the Prisoner's Defence had explained this Passage; They were barely permitted or suffered, he says, for a Time by Queen *Elizabeth*, but they have improved and risen upon their Demands, till in this Age they have obtained an Indulgence by Act of Parliament, and that Act of Parliament is manifestly what the Doctor has taken Offence at. That then he goes on ——— *Inasmuch*, says he, *how Queen Elizabeth, who was deluded by that perfidious Prelate, to the Toleration of the* Geneva *Discipline, found it such an headstrong, encroaching Monster, that in fight Years she found it would endanger the Monarchy, as well as the Hierarchy; and, like a Queen of true Resolution, and great Zeal for both, pronounced them Factious, and suppress'd them by wholesome Severities.* That he thought the Commons should have been wanting in that Duty they owed to the Memory of that great Prelate, and Father of the Church, who was so considerable in establishing the Reformed Religion, had they not taken Notice of these harsh and unjustifiable Expressions. That Doctor *Sacheverell* speaks of them as carrying an undue Aspersion, but such as he hoped might be forgiven, since it was necessary, he pretends, that either Queen *Elizabeth* or [illegible] must bear the Blame; and he rather thought it reasonable to charge it on the latter, than to suffer it to lye at the Queen's Door. That their Lordships would observe, that all the Answer he had given to this Part of the Charge, was as if the Commons had impeached him for being too [illegible] with Archbishop [illegible] for which, as he calls it, an [illegible] of them, [illegible] but their Lordships would discern [illegible] that he [illegible] use of in the Charge of the Commons [illegible] as head-strong, [illegible] to the Monarchy, as [illegible] the Example of Queen *Elizabeth* [illegible] by [illegible] Severity [illegible] Council or Parliament [illegible] so the first and [illegible] necessary to [illegible] main Head of the Charge, which the Doctor *Sacheverell* [illegible] and the [illegible] *Allowance* of it [illegible] could not [illegible] the Reformation [illegible] in this [illegible] Notion of an [illegible] [illegible] and Supremacy, which however he [illegible] [illegible] believed

ſerved in the Crown of *England*, for the Peace and Safety of the Church as by Law eſtabliſhed, to all Poſterity.

That to the laſt and laſt Part, which relates to the Thundring out Eccleſiaſtical *Anathema's*, the Diſſence was that thoſe *Anathema's* are not intended againſt the Perſons intitled to the Toleration: To which he anſwer'd, the Doctor was particularly ſpeaking, in this Part of the Libel, of the Schiſmaticks and Diſſenters, and expreſly named them in theſe Words (Fol. 23.) *And yet if our Diſſenters had lived in thoſe Times, they would have branded him as an intemperate, hot and furious Zealot.* —— *Schiſm and Faction are Things of imprudent and encroaching Natures, they thrive upon Conceſſions, take Permiſſion for Power, and advance a Toleration immediately into an Eſtabliſhment.* —— " Are not, added Mr. *Cooper*, the Diſ-
" ſenters here expreſly named? Are we not to underſtand the
" Words *Schiſm* and *Faction*, as coupled with the *Toleration*,
" to be meant of the Diſſenters, and of them only? Sure this
" is too plain to admit of any doubt. Then, my Lords, he
" proceeds; *And are therefore to be treated like growing Miſ-*
" *chiefs, or infectious Plagues, kept at a diſtance, leſt their*
" *deadly Contagion ſpread. Let us therefore have no Fellowſhip*
" *with theſe Works of Darkneſs, but rather reprove them: Let the*
" *Superior Paſtors do their Duty, in Thundring out their Eccleſi-*
" *aſtical Anathema's, and let their Power on Earth have thereby a*
" *Sentence ratified in Heaven.* My Lords, Is here one Word
" of Hereſies, Blaſphemies, and the reſt of thoſe monſtrous
" Offences, to which the Doctor would have theſe Anathe-
" ma's relate? No, there is nothing to be found here but
" Diſſenters, Schiſm, and Toleration. If theſe Anathema's
" are to be underſtood (as certainly they are) to extend to
" Perſons intitled to Toleration; there, my Lords, that Air
" of Inſolence that concludes the Period is explained. *Let*
" *our Superior Paſtors do their Duty*, that is no leſs than to
" exert themſelves, and Thunder out their Anathema's, and
" *let our Power on Earth have thereby a Sentence ratified in*
" *Heaven*, my Lords, how too big and ſwelling, to come from
" ſubordinate Power. Thus have we ſeparated, and diſtin-
" guiſh'd the ſeveral Clauſes aſſerted in the ſecond Ar-
" ticle.

" My Lords, ſaid he in the Concluſion, as the Commons
" are fully ſenſible how neceſſary it is to ſupport the Honour
" and Juſtice of the Revolution, to which we owe no leſs than
" the ineſtimable Bleſſings of Liberty, and Property, the Guar-
" dian Angel of our Church and State, the ſecure Eſtabliſh-
" ment of [illegible] Religion, Laws,
" Rights, and Liberties of the whole Nation; ſo are they
" thoroughly convinced that the Peace and Welfare, the

" Secu-

‘ Security and Strength of the Kingdom in great Mea-
‘ sure depend upon the inviolable Preservation of the
‘ Act of Toleration, which has been most maliciously and
‘ seditiously traduced and misrepresented by Doctor Sache-
‘ verell.

Mr. Thompson's Speech.

MR. Thompson who spoke next said, It was his Part to trouble their Lordships with a Reply to such Answers as had been offered to the Third Article of this Impeachment; and notwithstanding what had been said by the Council, produced in Evidence, and alledged by the Doctor himself to move their Lordships Compassion, he was concerned, even for his Sake, that he could observe it to their Lordships, That the Charge in this Article remained entirely unanswered. That before he enter'd into the Particulars, he must observe to their Lordships, that if there were any doubtful, or any the least favourable Construction to be made of some Passages in this Sermon, the Commons would not have given their Lordships this Trouble, nor the Doctor an Opportunity of censuring their Impeachment as a hard-hearted and uncharitable Profession. That he could not but think it very ungenerous to insult any Man in Misfortunes, or to treat one in his Condition with Scorn and Indignity, neither had he, or should he be guilty of it; but he must take leave to say, that no other Interpretation could be made of some Passages applicable to this Head, but what is Criminal, since so many learned Council, since so many able Heads who had assisted the Doctor in his Defence, say, since he himself, who should know best his own Meaning, had not been capable of giving the least Colour or Pretence of any Construction of them in his Favour. That whatever Pity their Lordships might be inclined to in their private Capacities, for any one who had (he could not say through Inadvertency) brought himself into Affliction; whatever Dispositions they might have to Mercy, yet he need not say, that there is a Compassion, a greater Regard due to the Welfare of their Country, a Care incumbent on them to suppress what has the least Tendency to Sedition, and the Disturbance of the publick Peace of the Kingdom, and that these important Trusts have a Claim to their Lordships Justice, preferable to any private Concern whatsoever. That not to detain their Lordships any longer in Generals, he should proceed to state the Charge and Defence, that their Lordships might have a view of the Insufficiency of the latter; That the Charge was, ‘‘ That the Doctor Sug-
‘‘ gests and Maintains, that the Church of *England* is in a
‘‘ Condition of great Peril and Adversity under Her Maje-

fty's Administration: He depied, that he suggests any Danger to the Church, but only from Vice, Infidelity, Blasphemy and Heresie, but not at all from or under any part of Her Majesty's Administration.

That the first Passage he (Mr. *Thompson*) produced to their Lordships, to prove the Charge was in Page the 5th, in these Words: *Tho' it was very obvious to every Body to have observed the sad Circumstances of the Church of Scotland formerly, and the Church of* ENGLAND *at present, wherein the Holy Communion has been rent and divided by Schismatical Impostors; her pure Doctrine been Corrupted and Defiled, her primitive Worship and Discipline Destroyed and Abused, her Sacred Orders Denied and Vilified, her Priests and Presbyters (like St. Paul) Calumniated, Misrepresented and Ridiculed, her Altars and Sacraments prostituted to Hypocrites, Deists, Socinians and Atheists; and this done, I wish I could not say without Discouragement, I am sure Impunity, not only by our professed Enemies, but, which is worse, by our pretended Friends and False Brethren.*

That the Learned Council pretended to shew, that most of these Calamities attending the Church, proceeded from the Blasphemous and Heretical Books and Pamphlets produced to their Lordships, and that the Dr. meant them to be the Cause of the Danger he suggested: 'Now pray my Lords, said Mr. 'Thompson, how can that Construction be made? How can 'this be consistent with the Doctor's Assertion, that all this 'is done, not only by professed Enemies (which every Body 'will agree takes in the Infidels, Blasphemers and Hereticks) 'but by pretended Friends and False Brethren? When I 'took the liberty to observe on this Passage, I stated it thus; 'Who could prostitute Altars and Sacraments to Hypocrites, 'Deists, Socinians and Atheists, but some of the Doctor's 'own Order? And who were to punish those Crimes? Who 'could they be that did not discourage them, but suffered 'them to be committed with Impunity, but his Ecclesiasti-'cal Superiors? and that they were part of Her Majesty's 'Administration, no Body could deny. Now what Answer, 'my Lords, was given to this? To the first part of this Pa-'ragraph, about rendring the Communion by Schismatical 'Impostors, and so to the other Particulars, 'till the last, it 'was shifted off to the professed Enemies, the Infidels, Blas-'phemers and Hereticks, Dissenting Teachers, and Popish 'Priests, but nothing laid to the *False Brethren*, who, the 'Dr. says, neither Punish nor Discourage. But when the 'learned Council came to the last Calamity of the Church, 'that of prostituting the Altars and Sacraments, &c. they 'are pleas'd to make *Occasional Conformists* their Atheists, &c. 'that receive the Sacraments; but as to the Charge of ar-

'raign-

‹ raigning the Persons that do not discourage or punish those
‹ who prostitute Altars to Atheism, &c. they thought fit to
‹ *slide it over*, and not say one Syllable to it; they did not
‹ so much as *mumble that Thought*, and the others but very ten-
‹ derly. Pray, my Lords, in the Interpretation I make,
‹ where is there any *Forced Interpretation*, any forced Construc-
‹ tion, or strained Inference against the Doctor's express
‹ Words, and positive Assertions? Let every candid Rea-
‹ der, without Prejudice, impartially consider the Meaning
‹ of this Passage; Is this a Danger suggested from Books or
‹ Pamphlets? Or is it not a plain and direct Invective against
‹ those Persons in the Church, who are charged with being
‹ the Occasion of these Dangers to the Church by their Re-
‹ missness in their Duty, not only in not punishing, but not
‹ so much as discouraging those Crimes: And to whom can
‹ his *Lazy Defenders within* relate, but to the same Persons,
‹ those that are within the Church, and are to protect it?
‹ But if it were true, that Altars and Sacraments were thus
‹ prostituted, why must the World be told in this manner of
‹ it? Tho' it is the Duty of a Clergyman at all Seasons, and
‹ in all Places, as one of the Doctor's Council was pleased to
‹ say, to Preach against Vice and Infidelity, Immorality and
‹ Prophaneness; yet sure none will say, that he is to revile
‹ his Superiors, and charge them, in this method with their
‹ want of Duty, and Care for the Church: What other end
‹ must such licentious Reproaches produce, but a Contempt
‹ of their Persons, a lessening the Dignity of their Order,
‹ and a Diminution of that Character which gives them the
‹ Capacity of doing good in the World, whilst they preserve
‹ a Veneration and Esteem, but which must cease when they
‹ meet with the contrary: The Dr. was so sensible of this,
‹ when he mentioned it as his own Case, that he thought
‹ *the very Imputation of a Crime to any of his Function, tho' ac-*
‹ *quitted of it, must leave a Scar so as to blemish his Character*;
‹ sure then he ought to have used the utmost Caution, before
‹ he Preached or Published this Sermon, and to have consi-
‹ dered the pernicious Consequences of reviling those in Au-
‹ thority. If, as he was pleased to say, ill treating of him,
‹ who was *an Ambassador of Christ*, was despising Christ him-
‹ self; sure it cannot be thought an unnatural Inference, if
‹ Her Majesty is said to be reviled, by reflecting on those
‹ who act under Her Commission, and are part of Her Ad-
‹ ministration.

That the second Passage he troubled their Lordships with, was in Page 16; that the Dr. had been talking of the *Comprehension* and *Union* of the Church and Dissenters, and giving a great many hard Names to it; which Design their Lord-

ships knew had its rise from a Commission under the Great Seal from his late Majesty to several Lords, Bishops, and other Learned Divines, who were to consider of proper Methods to accomplish it; *But the Dr. thank'd God, that Providence had blasted the long projected Scheme of these Ecclesiastical Achitophels*, with other Scurrilous Reflections on the Design, and those concerned in it; and then he said, *That since this Model of universal Liberty and Charity failed, and these False Brethren could not carry the Counterside into the Church, they are now resolved to bring the Church into the Counterside, which will more plausibly and fitly effect her Ruin; what could not be gained by* Comprehension *and* Toleration, *must be brought about by* Moderation *and* Occasional Conformity; *that is, what they could not do by open Violence, they will not fail by Secret Treachery to accomplish. If the Church can't be pull'd down, it may be blown up: and no matter with these Men how 'tis Destroyed, so that it's Destroyed.*

Now pray, my Lords, *added he*, where is the forced Construction to make the Dr. in this Passage speak of Persons in Church and State who endanger the Church, and not of Books and Pamphlets, Vice, Infidelity, *&c.*: That he is on his second general Head of the Perils of *False Brethren* in Church and State, and of those Persons who could not accomplish the Destruction of the Church by the Comprehension, but were doing it another way, by *Occasional Conformity* and *Moderation*; that he did not know that either of these are condemned by the Law for Vice, Infidelity, Blasphemy, Heresie or Prophaneness; but be that as it will, 'tis from the Persons in Church and State the Danger is suggested to arise, and who, as the Dr. was pleased to say, make use of these only as means to blow up and destroy the Church; But then Mr. *Thompson* suppos'd, these Persons in the Church must be interpreted to be only the most Inferior, and so no Reflection on the Administration: For as Men of Characters and Stations in the State were construed to be *Constables, Excise-men*, and *Custom-house Officers*, so these Persons who were to bring about the *Comprehension*, and are now blowing up and undermining the Church in another manner, must be *Church-Wardens, Parish-Clerks* and *Sextons*: Which sort of Constructions by the Doctor's Learned Council, were so easie and natural, that he must agree with his Observation, that *they have not much Argument, Learning or Eloquence to support them.*

That he could not but observe a very extraordinary Method of answering this Passage and the next, by one of the Learned Council, who was pleased to Cite two other Passages, in the Sermon, which were never mentioned by him, or any of the Managers of this Article, and with very strenuous

Zeal

Zeal he explain'd those Passages by chiming in with the Dr. in charging *Occasional Conformists with Atheism, Deism, and the worst of Crimes*; and then he concluded, that the Dr. in those Passages he cited, had not asserted the Church to be in Danger under Her Majesty's Administration, but not one Syllable, to this Passage which Mr. *Thompson* cited in Page the 16th.

That the third place he troubled their Lordships with, was in the 18th Page; his Words are, 'Falsehood always implies 'Treachery, and whether that is a Qualification for any one 'to be trusted, especially with the Guardianship of our Church 'or Crown, let our Governors consider: that those Words speak so plainly they need no Comment, nor had they (the Doctor and his Council) offer'd at any Explanation of them; they must relate to Persons, and can have no reference to Books or Pamphlets, Blasphemies or Heresies, &c. by any Construction whatever.

That the fourth Passage, was in Page the 20th; where the Dr. is talking of Dangers from National Sins, which are occasioned *by Dissenters* and *False Brethren*, and then he says, *And now are we under no Danger in these deplorable Circumstances? Must we lull our selves under this sad Repose, and in such a stupid lethargick Security embrace our Ruin? I pray God we may be out of Danger; but we may remember the King's Person was Voted to be so, at the same time that his Murderers were conspiring his Death.* That the Substance of the Charge in this Passage, is an Intention to reflect on the Members who Voted the *Church to be out of Danger*, by the Comparison and Allusion to the Vote relating to the King; that the Meaning seem'd evidently, that tho' the King was Voted to be out of Danger, yet he was not out of Danger; and so, tho' the Church was Voted out of Danger, yet the Church was then and is still in Danger: But whether he meant it of the Members that passed that Vote, was the question; that he said, he only meant it according to his Notion of that Vote of the King, that those not privy to the Design against him Voted him safe, whilst others conspired his Murther; so when the Members Voted the Church of *ENGLAND* to be in no danger under Her Majesty's Administration, it was none of them, but others that were conspiring her Ruin. That the Dr. was pleased to say too, That that Vote was a Year and half before the King's Death, and that there were not a tenth part of those Members who Voted the King safe, the rest being turned out, and no House of Lords: But be that as it will, they were the same Parliament that Voted the King out of Danger; and they that conspired his Death, were part of those who Voted him safe, and who turned out the

rest

well to accomplish their Designs: And tho' the Parallel should not run so as to reflect on both Houses of Parliament and all the Members, yet if it glanced at some of them, and was so intended, it was a Circumstance of Aggravation, and that was the only Intent of its being part of the Article; and he could not but think the Dr. was apprehensive of some Reflection of that kind, for he said immediately the very next words, *That he hopes what he has so freely spoken will not give Offence*: If he had not a view to that Vote of the Danger of the Church, there was no occasion for that Apology.

That the fifth and last place he troubled their Lordships with, was in the last Page, where there were some Pathetical Expressions which the Dr. chose out of the Scripture, and mingled them with others of his own, so as to represent the Church to be in the utmost Peril; he mentions nothing of Vice, Blasphemy or Infidelity, *But that she lies Bleeding of the Wounds she has received in the House of her Friends*: He cited that *Lamentations* for it, but there being no such Text there, Mr. *Thompson* took the liberty of saying it *was a Lamentation of his own making*. That he should not trouble their Lordships any more as to this Particular, but that he was in some measure oblig'd to vindicate himself from what one of the learned Council hinted upon this Occasion; that he was pleased to say in the Defence to the first Article, he was as much at a loss to find out a Passage in the Sermon, as one of the Managers was to find the Text in the *Lamentations*. That tho' this was but a Trifle to the thing in Question before their Lordships, yet since that Learned Gentleman was pleased to Triumph, as if he had him sure and unanswerable on this Point, he beg'd their Lordships Indulgence that it might appear which of them was in the right. That the Dr. having cited that Text to be in the 2d *Lam.* 4th, he looked through the *Lamentations*, therefore knew he might venture to say what he did; that he had looked over it again, and was sure there is no such Text there; that it gave him occasion to read and reflect on the other Texts cited by the Dr. in the Prophecy of *Zechariah*, the 13th Chapter, where there are some Words that he suppose were meant, tho' I could not but observe the Dr. to be very unhappy in the Choice of his Scripture, this as well as others being directly contrary to his Purpose. That the Words cited are in the 6th Verse, the two preceding Verses explain them; the subject Matter was false Prophecy. In the 4th Verse 'tis said, *It shall come to pass in that Day, that the Prophet shall be ashamed, every one of his Vision, when he has Prophesied.* In the 5th Verse, the Prophet is to deny that he is a Prophet, and says he is a *Husbandman, and no Prophet.* And in the 6th Verse he is asked

asked where he received his Wounds, he answers, in the House of his Friends: So that he resembles the Character of a false Prophet all along, and what he says in each Verse is equally true, and consequently that the Wounds he received were not in the House of his Friends. Thus whatever might be thought of the Doctor in this Matter, like Balaam he thought he might conclude, that his Learned Counsel had his Scripture by heart, or else he would not have triumphed when he had so little Reason. There were a Dispute, not many Years since, between two Learned Divines of our Church, about the Rights of the Convocation; one insisted the other for his Ignorance in this Common Prayer-Book; But upon Examination it appear'd, that he who triumph'd most was most ignorant of what he charged on the other. Whether this Case is not somewhat Applicable, he submitted to their Lordships. That having done with the several Passages made use of to maintain this Article, he thought he might say the Charge contained in it, (That the Doctor asserts the Church to be in Danger, not only generally, or so as to be meant from Vice, Infidelity, Schism or Heresie, Blasphemy or Prophaneness, but from and under Her Majesty's Administration,) was not only affirmed, but strongly proved. That he was not charged here with speaking contrary to his Words, or with Negative Crimes, nor was his Silence, as he was pleased to say, made Criminal.

That he must now beg leave to observe a little on the Evidence produced on the Doctor's Behalf, and in his Defence to this Article. That their Lordships had a Collection of many scandalous Books and Pamphlets, *drawn from Obscurity to be republish'd to the World*, for the more effectual suppressing Blasphemy and Prophaneness: And since the Doctor's Counsel forbore to mention the Particulars, he should not enter into them; only in general he thought he might say, that they had been proved to be no way material to what was in Issue before their Lordships: But it might not be improper to take notice, that most of these Books appear'd to have stole into the World, and the Authors still concealed; some of them Printed in *Holland* seventeen Years before, and others Publish'd since the Doctor's Sermon: And for the *Observator*, and *Rights of the Christian Church*, 'twas well known the Author of one, and Publisher of the other had been Prosecuted; so that these could not be said to be tolerated with Impunity, nor meant as the Provocation for the Doctor's Censure. That he was sorry there were any of these prophane and impious Pamphlets: That there were some others too, that had been publish'd within these seventeen Years, which might have been taken notice of, but he did not find them in the Doctor's

ther's Catalogue. That there was a blasphemous Sermon preach'd and publish'd by Doctor *Binks*; Mr. *Dodwell's* Charge of Schism, and unchristening most of the present Bishops; the same Gentleman's *Baptismal Union of the Spirit*, or his *No Immortality of the Soul*; and one Mr. *Lesley's Project of uniting ours and the* Gallick *Church*. Whether these Books were brought by the Doctor to tend to the right Establishing our Church and true Religion, he need not say, but he did think they were worthy his Notice, and might vie with most in his Collection; and if he had been so incensed against erroneous Doctrines, it had been a worthy Task sure, and well becoming his *known well-meaning Zeal*, to have endeavour'd a Confutation of them; then his *Sagacity* in refuting, his *keen and vehement Expressions* would not have been ill employ'd: But instead of this, to *turn his Violence against his Superiors*, for not punishing, what it may be, they never heard of; and to lay the Danger from these Doctrines at their Doors, was not to be justified by any pretended Provocation of this kind whatsoever.

That there was another piece of Evidence produced to their Lordships, viz. some Proclamations against Immorality and Prophaneness: But he could not conceive there was any thing to be infer'd from them in the Doctor's Favour. Because, said he, the Queen commands the Magistrates to put the Laws in Execution, therefore every private Divine may arraign his Superiors for a suppos'd Neglect of their Duty, as often as he thinks fit; I say, I don't understand this Inference, but I can easily apprehend the Consequence to all Governments that will suffer such *Presumptions*. That the Doctor himself was pleased to say. That one of the Dangers of the Church mentioned by him was forgot by the Managers, that was from Papists and their Emissaries: That He would do him the Justice to remember, that he bestow'd six Lines on this Danger, but seventy six large Pages on the Danger from those in Church and State. That then it was said, *that the Doctor pray'd for the Queen*, had taken the Oaths to the Queen, and therefore he could have no Intention to Reflect on Her Majesty, or any Part of Her Administration either in Church and State; And the Doctor in his own Speech was pleased to acknowledge *Her Majesty to be a Nursing Mother to the Church*, but he, Mr. *Thompson*, could not observe one Syllable to the Reverend Fathers of the Church, of his Opinion of their Care of it; He could hear him admonish that venerable Bench of the Guilt of departing from the Church, and abandoning the Principles of the Church, if they should Punish him a true Son of the Church, for preaching the same Do-

Doctrine with theirs; as if there was no matter of Difference whatever.

That it seem'd very strange, that after a Charge of this Nature of Reflection upon his Ecclesiastical Superiors, that after having studied so much Submission, he should not prevail with himself for so much as a Compliment upon this Occasion; such Behaviour seem'd to need no Explanation; That he should be very unwilling to recollect any of the Doctor's charitable Opinions of his own Brethren, who, as he was pleased to say, *can sacrifice their solemn Declarations and Oaths to Complaisance and Preferments.* That he would be so Charitable as to believe well, and think favourably of all Men, but when the contrary did so manifestly appear, it would be Injustice to the rest of Mankind not to judge accordingly. It would be a Remissness and Negligence of Duty, justly blameable, if we were to shut our Eyes, and resolve not to see what so evidently threatens the Peace and Quiet of the Kingdom; if Men must be allow'd to vent their Displeasure at such Proceedings of their Governours which do not suit their particular Humours, what must become of the Credit and Reputation of any Government, which is so necessary to preserve it?

That their Lordships had heard a great many Objections against *Innuendo's*, that they are dangerous Things, and never encourag'd, and that their Lordships had been pleas'd to shew their Dislike of them. That he should not scruple to own, that to lay a Meaning to a Man when his Words will not bear it, to make any invidious Construction when it will admit of a favourable one, he could neither approve or desire. But because the *extream* or *ill Use* of any thing is not to be allowed, that therefore they must never apply it at all, was such Logick and Law as he had not been used to. That in the Case *de Libellis famosis*, cited by the Doctor's Counsel, their Lordships would find, that if only plain positive Affirmative Libels, there will be no Fence against the *Envy* and *Malice* of wicked Spirits: And if the Law has provided every private Man's Reputation, so as not to be blasted by *oblique Terms* and *scandalous Insinuations*, it would be very hard if those in Authority should be exposed to the *Virulence* of every discontented *Humourist*; Malice will never want a Pretence, or Means to convey Scandal and Reproach by sly Insinuations and Allusions, which may do equal Mischief with positive Assertions: But he must observe to their Lordships, That these are not only oblique Insinuations, but positive Assertions. For not only those Passages which he had produc'd which were express, but the whole Scope and Tenor of his Sermon related to the Peril of the Church from

Pri-

Persons in Church and State, and not those empty Shifts of *Vice and Infidelity, Books and Pamphlets.* That if the Doctor had only rebuk'd *Immorality, Blasphemy, Prophaneness* and *Irreligion*, he might still have attended his Flock, [*His Parishioners were part of the Mob that attended him to and from his Tryal.*] and they not have been brought to attend him, nor would he have been thought to Arraign the Resolution of the Parliament; but for him to take upon him to Censure and Expose his Superiors, and to insinuate into the Minds of the People the Danger of the Church from those Persons who have the Protection of it, was no likely Method to suppress Immorality and Prophaneness, and was directly contrary to the Words and Intent of the Resolution of their Lordships and the Commons. That to what End the Doctor had thought fit thus to disperse his Sermons, might be easily imagined; and their Lordships could not be unacquainted with the History of a Neighbour Nation, what temporal Ends were to be accomplish'd by a loud Outcry of Danger to the *Church, the Church, Religion and the Church.* Whether that would not bear a Parallel with the groundless Clamours which had occasion'd many of our present unhappy Divisions, he submitted to their Lordships.

'It remains, my Lords, said he in the Conclusion, that I 'Answer one of the Learned Council, *what the Nature of* 'this Offence is: I shall only tell him in the Words of your 'Lordships and the Commons Resolution, made publick by 'Her Majesty's Proclamation, *That whoever creates unreasonable Distrusts and groundless Jealousies in the Minds of the People; Whoever Disturbs the Kingdom by false and seditious Rumours of the Danger of the Church, to cover Designs they dare not own; Whoever goes about to insinuate that the Church is not in a safe and flourishing Condition under Her Majesty's Happy Administration, is an Enemy to the Queen, the Church, and the Kingdom.* Which, in other Words, is, Against the Law, against the Temple, and against *Cæsar* has he offended. 'Nay, my Lords, 'has not this bold Offender gone yet further, has he not 'told your Lordships at your own Bar, That, notwithstanding the Toleration, the Dissenters are Schismatics, and 'liable to Spiritual Censure; That by continuing the Indulgence to them, you countenance Schism; and that 'while Schism is continued, the Church must be in Danger? So that resolve what you please, and make what 'Laws you will in their Favour, he must still Thunder out 'his vehement *Anathema's* against them, as dangerous to the 'Church. This, my Lords, is a Specimen of that Independency of the Church, that of late has been so much struggled for, and which, if not confuted in time by Au-

thority,

‘ thority, may soon devour the Supremacy and the State.
‘ And since the Doctor does and does still thus presume to
‘ Defie and Arraign the Resolutions of your Lordships and
‘ the Commons, he is properly before this Tribunal; and I
‘ may apply to him the Saying to a Goat browsing on a Vine,
‘ and which was applied to one of another Function upon
‘ such an Occasion, who had defied the Power of Parlia-
‘ ments.

Rode Caper vitem, tibi nunc hinc cornua demet Hædus ad Aras
In tua quod fundi Cornua posset, erit.

‘ My Lords, the Commons are so fully assur'd of your
‘ Lordships Wisdom and Justice, that they cannot question
‘ but your Determination in this Proceeding will be to their
‘ Satisfaction; therefore I shall trouble you no farther, but
‘ submit to your Lordships Judgment.

This Eloquent Speech was receiv'd with great Applause, after which Sir *Thomas Parker* said,

Sir Thomas Parker's Speech.

THAT having already by Command of the Commons endavoured to make good the *Fourth Article* of this Charge; it was now his Duty to support, what he *offer'd before*, both against the particular *Objections*, and the general *Rules*, propos'd or insinuated by the Council, or the *Prisoner*. That the first Thing he attempted to prove *by particular Passages*, was the Second Clause of this Article: ‘ That Doctor *Sacheverell* suggests, That there
‘ are *Men of Character and Stations* in Church and State, who
‘ are *False Brethren*, and do in themselves weaken, undermine
‘ *and betray*, and do encourage and *put it in the Power of* others,
‘ who are professed Enemies, to *overturn* and *destroy* the Con-
‘ stitution (*and Establishment*). That this he thought would be plainly made out, if he could shew these two Things:

1. That the Doctor has asserted, in express Terms, of all *False Brethren* in general, that *they do in themselves weaken, undermine and betray, and do encourage and put it in the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment*: And,

2. That he charges *Persons of Character and Stations* with *False Brotherhood*: Apprehending the *Consequence clear*, that if these two Things were asserted by the Doctor, the Charge was made.

That he could likewise bring further Proofs, which he should not mention at present. That besides some little Cavils as to the two Propositions, which he should take notice of by the way; great Complaint was made, often repeated, and much aggravated, that he had brought together these two Propositions, that we twelve, or nine, or at least seven Peers under

ſunder. That he took notice of this *trifling Objection* before, and what he ſaid to it, neither the *Doctor* nor his *Council* had *attempted* to Anſwer. But they all ſeeming to lay the greateſt ſtreſs upon this Part, and the Council every one repeating it, he begg'd Leave to ſtate once more how that Matter ſtood.

That the Doctor in this Sermon propoſes (1) To deſcribe *Falſe Brotherhood*; (2) To *ſhew* the *Miſchief*, and (3) the *Malignity* of it. And this *ſingle Conſideration* would make one expect, that theſe *Heads* ſhould *relate to one another*, at whatever Diſtance he takes them up.

Note, *The Pages of the Sermon are referred to as in the ſecond Edition, which was that which was proved and read in Evidence.*

Under the ſecond Head, Page 15, (continued Sir *Thomas Parker*) he aſſerts, of *all Falſe Brethren in general*, that "they do in themſelves "weaken, undermine and betray, "and do encourage and put it in "the Power of others, who are "profeſſed Enemies, to overturn "and deſtroy the Conſtitution and Eſtabliſhment. This is my firſt Propoſition *in Terms*, and nothing is objected to it. Only a little Attempt is made to *divert* the Queſtion, by mentioning *ſome particular ſorts* of *Falſe Brethren*, and ſaying he there ſpeaks of *Falſe Brethren* in ſome of *thoſe Senſes* of the Word. I agree it; he that ſpeaks of *all*, ſpeaks of ſuch as are included in *thoſe Senſes* of the Word, which he mentions; but likewiſe ſpeaks of *all others too*; ſpeaks of, ſuch as he has *mention'd any where elſe*, as well as *there*, ſuch as *are Men of Characters and Stations*, as well as ſuch as *are not*.

Under the third Head, in ſhewing the *Malignity* of this Sin (not *in it ſelf*, that he had ſhewn before, but) *with regard to the World*. He inſtances firſt, in the *Miſrepreſenting* from *Men of Characters and Stations*, in the Words I formerly cited. Thus, I thought, made out my ſecond Propoſition as he the Doctor's, "That *Men of Characters and Stations* are "*Falſe Brethren*. This is *plainly* deny'd; and 'tis ſaid, he does not here ſuggeſt Men of Characters and Stations to be Falſe Brethren, but what is *here* ſpoke relates to their *private Behaviour*, and not to the *Adminiſtration*. Befides, that this is directly againſt the *plain Import* of the Words, to let your Lordſhips ſee the *Candour* of this Defence, let us ſuppoſe it *true*; and that it is the Doctor's Opinion that the Perſons he here ſpeaks of, be they *great* or *mean*, are not Falſe Brethren: Then the Doctor, to be *conſiſtent* with this Defence, muſt affirm, that he here ſets forth the *Malignity* of *Falſe Brotherhood*, by ſhewing the *Malignity* of *another Sin*; which is not *Falſe Brotherhood* in Perſons of Characters and Stations, who

are

are *not False Brethren*. This is the wretched Shift he is driven to, taking it the best for him. That these *Characters and Stations* relate both to *Church and State*, *all* his *Discourse* in the *Places cited*, and *every where else*, shews; nor has *he* or his *Council* made it an *Objection* that they do *not*; so that it would be very much misspending your Lordships Time, to go to *prove*, what is not *deny'd*, that by *Men of Characters and Stations*, he intends Men of Characters and Stations in *Church and State*.

The two *Propositions* being thus cleared, let us see if that, which is laid hold of to *declaim* so earnestly upon, have any more weight in it, that is, the *joyning* together these two *distant* Propositions. The Objection, rightly stated, is this:

He has in *one Place* affirmed of *all False Brethren* in general, "That they do in themselves weaken, undermine and betray, and put it in the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment; And seven Pages off, has represented *Men of Characters and Stations* as *False Brethren*: And we (very unreasonably!) have charged him with suggesting, "That there are Men of Characters and Stations in Church and State, who are False Brethren, and do in themselves weaken, undermine and betray, and do incourage and put it in the Power of others who are professed Enemies, to overturn and destroy the Constitution and Establishment. This is the *true Strength* of the *Objection*, and the very *stating* it *exposes* it. The *general Mischief* he mentions, as common to *all* False Brethren, Pag. 15, I presume will be admitted to belong to *those* described, Pag. 73; why then not as well to *those*, Pag. 22? Must not what is said of *all False Brethren*, extend both to *those* whose *Crime* he describes, and to *those* whose *Malignity* for *that Crime* he exposes? And which is most to be regarded, the *Distance* of the *Place*, or the *Connexion* of the *Scheme*, and the *Nature* of the *Propositions*? The Doctor himself seems rather to press the Objection thus, That this is *Inference*, and *joining independent Propositions*; which, though spoke by him in general, the *Unanimity* of his Council in falling upon this Part of what I said, shew, it was spoke *principally* with a *View* to these two *Passages*: Are then *Passages* that speak of *all* False Brethren, and that speak of *some particular* False Brethren *independent*? My Lords, These are so far from being *independent*, and so *ill* have they *chosen* out, what to find Fault with, that (if your Lordships will pardon the *Pedantry*, considering I have a Man of *Logick* and *Disputation* to deal with) the two Propositions are the two Propositions of a *Syllogism* concluding in the *first Figure*. And the *Inference* he complains of, is the *Conclusion* necessarily arising from

from them; according to the *Rules* of *Logick*. The whole Syllogiſm runs thus.

All Falſe Brethren do *in themſelves weaken, undermine, and betray, and do encourage and put it in the Power of others who are profeſs'd Enemies, to overturn and deſtroy the Conſtitution and Eſtabliſhment.*

Perſons of Characters and Stations are Falſe Brethren.

Therefore Perſons of Characters and Stations do, &c.

Sir *Thomas* urg'd, that the two firſt Propoſitions are what he had ſhewn the Doctor plainly to lay down; the other only a *neceſſary Conſequence*. Then ſaid he, would any one expect that the Doctor ſhould be ſo forgetful of the Rules of Logick, as when he had laid down the *Premiſes*, to deny the *Concluſion*? or to deny the *Concluſion* to be his *Doctrine*, who laid down thoſe *Premiſes*? *Can* it be thought, that he laid them down without an *Intention* that his *Hearers* ſhould make the *Concluſion*? or *could* he think it *poſſible* they ſhould *not* make it? Or ſhall the *ſuppreſſing* a Concluſion ſo plainly ariſing, which is *taken Notice* of in ſome that write of Logick as an *Elegance* in Diſcourſe, *paſs* for an *Excuſe*?

That let the Doctor deſcribe *Falſe Brethren* in general as *Betrayers and Deſtroyers* of the *Church*, and the proper *Objects* of the *Rage* and Fury of the People, and then *expoſe* as Falſe Brethren thoſe *in the Adminiſtration*, Perſons of *Characters and Stations*, from the *chief* to the *leaſt*, the *People* would quickly make the *Application*. That if any one ſhould inflame the Mob to ſuch a Degree of *Rage* and *miſtaken Zeal*, as to forget the *Spirit* of the *Goſpel*, and to believe it their *Duty*, to ſerve *God* by breaking the *publick Peace*, and to ſupport his Church, by pulling down all Meeting Houſes, and rifling the Houſes of all Diſſenters; he needs afterwards only to tell them, THIS IS A MEETING HOUSE, HERE LIVETH A DISSENTER, they are *not* ſo *dull* as to fail of making the *Concluſion*: THEREFORE THIS HOUSE IS TO BE PULL'D DOWN, THEREFORE THIS MAN IS TO BE PLUNDERED, and of putting it immediately in *Execution*, where they *dare*. That ſuppoſe ſuch a Man ſhould, in *Defence* of himſelf, ſay, " I did not bid them pull down *this Houſe*, nor " rifle *that*; my telling them *All Meeting Houſes* were to " be pull'd down, *All Diſſenters* to be *mark'd* and plunder'd, " was *four Months* before I told them THIS WAS A " MEETING HOUSE, OR THAT MAN A DISSENTER, " and to *carry back* a Man's Words ſpoke only by way of " *Information*, to what was ſaid four Months before by way " of *Doctrine*, is the greateſt *Hardſhip* in the World. Would

this

this pass for an *Excuse*? or would it not add to the *Indignation* against so impertinent a *Trifler* on so *sad* an Occasion.

My Lords, added he, the burning a *Meeting House*, the burning *all* the Meeting Houses, the laying this *Metropolis* once more in Ashes by the *Enemies* of our Constitution, is nothing to the *inflaming* the Nation, and rendring the *QUEEN* and Her *ADMINISTRATION odious* to the People. Shall it then be an *Excuse* for the Doctor here, when he has laid down the *Premises*, to say, that he has not in *Words* expressed the *Conclusion*? Shall the *meanest* of the *People*, clearly and *rightly* collect this is Doctor *Sacheverell*'s *Doctrine*; and shall not *we* in *accusing*, and *your Lordships* in *judging*, be allowed to collect it. when we are endeavouring to preserve the *Queen* and *Constitution*, and *all* that is *dear* to us? Surely, my Lords, we shall. Nor is the *strict Consequence* that your Lordships find in this Clause, always *necessary* in Cases of this Nature: But I was willing to shew it here, that your Lordships may see, with what Justice this was made the great *Topick*, whereupon to declaim against *Hardships*, and to couple such *Inferences* with *Innuendo's*, as if both were the *same*.

That as for taking one *Part* of one *Sentence* and another Part of *another*, whoever makes a *Conclusion* in *Logick* ever does it; and only *then* does amiss in it, when in doing it he departs from the proper Rule, and where the *Consequence is not just*; which he had *shewn* was *not* the Case here, and no Body had *attempted* to make out that it was. That 'twas as little to the Purpose what was said, that he had not restrained this to Persons of the *Highest Characters and Stations*, which Sir *Thomas Parker* shew'd so fully before, that it had been thought more advisable to *pretend* he *admitted*, what he believed he plainly *disprov'd*, than to *offer* any Answer to his Reasons. That he should only add, that 'twas *not pretended*, that there is one *Word* in the *Sermon* that looks like the *least Hint*, that *only inferior* Officers were meant; and 'twas plainly *shewn*, that *others* were *intended*: And then the Doctor's *Excuse* amounted, *at best*, but to this. 'He has indeed 'spoke in reproachful Terms of *Magistrates in general*, he has 'pointed to those that *have*, and those that *bestow*, the *Ho-* 'nours of the *Church*, and *Places* and *Preferments* in the *State*; 'he has pointed to the *Chief*; his *Reasoning*, when he shews 'the *Malignity* of the Sin from *Examples* of Persons of *Cha-* 'racters *and Stations* is the *stronger*, the *Greater* these Persons 'are, as the Examples of the *Greatest* are the most *Contagious*; 'but yet he relies upon it, that since the *general Mention* of 'Persons of Characters and Stations takes in the *Meanest* as

' well as the *greatest*, 'tis *not to be doubted* but the *all-discerning People*, especially when sufficiently *forewarn'd* and *enrag'd*, will *restrain* the Words to the most *innocent Meaning*, and ' *apply* them *only* to *inferior Officers*, *Constables*, and those in ' the nearest Degrees to them. This, *added he*, is the Sum of this *notable* Excuse. Let *this* therefore, where, by bending their united Force against it, they seemed to have the *greatest Hopes* of making some *Impression*, serve for the *Specimen* chosen *by themselves*, of the *Hardships* of *Inferences* and *Innuendo's* in this Charge.

That the third Clause, " *That he chargeth Her Majesty,* " *and those in Authority under Her with a general Male-Administration*; The first, That he *suggests that Her Majesty's Ad-* " *ministration both in Ecclesiastical and Civil Affairs, tends to* " *the Destruction of the Constitution*; are so *manifest*, that after what *had* been said, and was *unanswer'd*, it would be but losing time to attempt to make them more plain. Nor were their Defence, and the Books and Pamphlets read on this Head, to the Purpose. For sure, the shewing that there have been some *Pillory Scribblers*, *few* in number, many long since *dead*, some *mad*, some that had undergone the infamous Punishment of the *Pillory*, most of them *prosecuted* or *unknown*, did not prove, that there are *Seminaries* for the *open Profession* of those Blasphemies and Impieties; much less, that they are *suffered* by the *Government*, or that *their Follies* can be called an *open Violence* upon the Church, or *their* Faults made the *general Character* of the *Nation*, and *charg'd* upon the *Queen* and Her *Administration*. That when a *scandalous Book* is published, or *contagious Sin* committed, any Subject who has a *real Zeal* to *prevent the Mischief spreading*, may apply to the *proper Magistrate* to suppress it; and if *inferior* Magistrates neglect their Duty, may carry the Complaint, against *them* and *it*, to their *Superiors*: But is it to be *endur'd*, in any established *Government*, that a Man *pass over* all the *Magistrates* and make an *Appeal* to the *People*, not only against the *Offenders*, but against the *Magistrates* too? That this is properly *Faction*, this is *invading* the *Royal Authority*; 'tis, in the Doctor's own Words, " *A rebellious Appeal to the People as the Dernier* " *Resort of Justice and Dominion*, *'tis erecting a popular Tribunal*, where not only *Scribblers*, but the *Queen* and Her *Authority* are to be try'd. That the Doctor indeed *pretended* that his *Zeal* was only against those *Offenders*, and such as keep not within the *Bounds* of the Toleration Act; that his Warmth of Speech, was only to *stir up* the *Magistrates* to put the *Laws* strictly in *execution*; and he solemnly protested he *intended* no Reflection on the *Queen*, or *Her Ministry*; that by the *Dangers* of the *Church*, he *meant* only those *Judgments*, which the

just

juſt *Anger* of a provok'd *God* might be reaſonably expected to inflict on ſo *wicked* a People.

" My Lords, continued Sir *Thomas Parker*, I am amazed at " the Doctor's *Solemn Proteſtations*; I will avoid *hard Words* as " much as I can, but if when he *calls God to Witneſs* in ſo *ſo-* " *lemn* a *Manner*, he ſhould then ſpeak without *Foundation of* " *Truth*, plainly *againſt his Sermon*, and be even then uſing the " little *Arts of Evaſion, and diverting the Queſtion*, inſtead of " that *Sincerity* which ought to *accompany* ſo ſolemn an *Oath*, " I leave it to your Lordſhips to give a Name to ſuch Beha- " viour. Is it *poſſible* to ſay he *intended not* to *reflect* on the " *Adminiſtration*? Give me Leave to read to your Lordſhips *two* Pages in his Sermon, to which I before referred; and be pleaſed to obſerve, as I go along, how much they are ap- plicable to *unknown Authors*, or the *Dead*, to *Aſgill*, the *Ob-* *ſervator*, the *Review*, or other *Writers*, that he has made ſo *filthy a Collection* out of; or to *Atheiſts*, or *Diſſenters exceeding* *the Limits preſcribed by the Toleration*, or to *Occaſional Confor-* *miſts*, Diſſenters too in *the main*, but when the *Occaſion* of a *Place* calls them to *Church*; and your Lordſhips will have *one Inſtance* of his *Sincerity* in his *Solemn Proteſtations*.

" 2. *Secondly*, In regard to the World. What a vaſt " Scandal, and Offence muſt it give to all Perſons of Piety, " and Integrity, to ſee Men of Character, and Stations, thus " ſhift and prevaricate with their Principles, and ſtarting " from their Religion upon any Occaſion of Difficulty, or " Tryal, and like the Diſciples, flying from, and forſaking " our Saviour, when his Life lay at Stake? To ſee Men's " Opinions ſit as looſe about 'em as their Garments, to be " put on, or off, for Convenience? What can unwary Per- " ſons conclude from ſuch Tergiverſation, and Hypocriſy, " but that all Religion is State-Craft, and Impoſture? That " All Godlineſs is Gain; and that the Doctrines of the " Church lie not ſo much in Her Articles, as Her Honours, " and Revenues? Without doubt, this Modern Latitude, " and infamous Double Dealing, as it can proceed from no- " thing but the rankeſt Atheiſm, ſo it muſt propagate it " whereſoever it goes; and 'tis not to be queſtion'd, but " that the Wonderful Increaſe, and Impudent Appearance of " all Sects and Hereſies in this Kingdom at preſent, beyond " what was ever known in former Ages, is chiefly to be at- " tributed to it. But this Crime is as pernicious to Human " Society, as Religion; for it deſtroys all common Honeſty, " Faith, and Credit in the World, and in the place of it, " ſets up an Univerſal Trade of Cozenage, Shaping, Diſſi- " mulation, and downright Knavery. For, what Depen- " dance can there be upon a Man of *no Principles*? What

" Trust in Equivocations, Evasions, and Lyes? Nor indeed " could any one be suppos'd so foolish, as to place the least " Confidence in these Men, did they not bait their Hook, " and cover their Treachery with the sacred and plausible " Pretences of Friendship, whereby they are capable of do- " ing much more Mischief, than a Bare-fac'd and profess'd " Enemy. In what moving and lively Colours does the Holy " Psalmist paint out the crafty Insidiousness of such wilely " Volpones? *Wickedness*, says he, *is therein, Deceit and Guile* " *go not out of their Streets. For it is not an open Enemy that* " *has done me this Dishonour, for then I could have born it:* " *Neither was it mine Adversary, that did magnify himself against* " *me, for then peradventure I would have hid my self from him.* " *But, it was even Thou! my Companion, my Guide, and mine* " *own Familiar Friend. We took sweet Counsel together, and* " *walked in the House of God as Friends. There is no Faithful-* " *ness in their Mouths, their inward parts are very Wickedness;* " *their Throats are open Sepulchres, and their Words are smoother* " *than Oil, yet be they very Swords. Like* Joab, *they pretend to* " speak Peaceably, and *smite Us mortally under the Fifth Rib.*

" 3. *Thirdly, With regard to a Man's self*, it is hard to Distin- " guish whether our *False Brethren* prove themselves guilty of " more excessive *Knavery*, or *Folly*. For whatever these *cunning*, " *temporizing Politicians* may think, they will find, after all " their *Shuffling* and *Compliance*, that the *plain Road of Truth*, " *Honesty*, and *Integrity*, is both the most *Prudent*, as well as " the *Safest Way* they can follow, and that the *Wisdom of this* " *World* is as much *Foolishness* with Men, as 'tis with *God*. " For certainly there is no Sin that so much *Disappoints* its *own* " *Ends* as *This* does. Perhaps *the Man* may obtain the *present* " *Advantage* he has in *Prospect*, by relinquishing his *Old Friends* " and *Principles*; but is ever such a *Mercenary Convert* receiv'd " *heartily* into the *Bosom* of his *former Enemies*? Or are *They* " ever found so *Credulous*, and *Good-natur'd*, as to *Forgive*, and " *believe* such an *Apostate Cordial* and Sincere, and fit to be " *trusted* in any Matter of *Weight*, or *Importance*, who has *be-* " *tray'd* his *own Party* for the *little sordid Lucre* of a *Place*, or " *Preferment*? And is again ready to be *Retrograde*, whenever " the *Wind* shall *Change*, and *Veer* about? Such a *False Bro-* " *ther* may serve the *present Turn* of his *Adversaries*, who may " seem, whilst they want the *Tool*, to *flatter* and *caress* him; " but let such a *Turn-Coat* rest assur'd, he shall meet with *Hy-* " *pocrisy* for *Hypocrisy*; and since He is got upon the *Stage*, " shall *Act his Part*, and be *hiss'd off* when he has done. Such " a *wise Game* do our *Projectors Play*, they *Barter* and *betray* " their *Friends*, only to *sell* themselves *Slaves* into the Hands " of their *Enemies*, who shall *treat* them with more *Insolence*,

" *Disdain*

‘ Disdain and Tyranny, than lewd Men do with Scorn, and
‘ Contempt, if they don't go the whole Lengths of their Party,
‘ sick of nothing, tho' never so impious, and absurd, and run
‘ from one Extream to a quite Contrary. Thus little, thus base,
‘ thus odious, thus contemptible, thus servile, and thus execrable
‘ is the Hypocrite, and Double-Dealer in the Sight, not only of
‘ all lewd Men, but the most profess'd Knaves, and Hypocrites!
‘ Who cannot but have a Tacit Regard, and Veneration for a
‘ Man of Steadiness and Probity, that upon all Occasions is true
‘ to himself, and his Cause, as above the Threats, as well as
‘ Flatteries of this World, still trusting in his God, and his own
‘ Integrity, and Justice, despising his Interest, or Success, and is
‘ under all Circumstances like that God, and Religion he be-
‘ lieves and serves, without Variableness, or Shadow of Change,
‘ but is the same to Day, to Morrow, and for ever. Farther, these
‘ False Brethren cannot be more odious to God and Men, than
‘ they are to themselves, who are always a Self-Contradiction,
‘ full of Confusion, and Perplexity, perpetually haunting them-
‘ selves, the worst of Demons, maintaining an irreconcilable
‘ War betwixt the outward and inward Man, Conformists in Pro-
‘ fession, Half Conformists in Practice, and Non-Conformists in
‘ Judgment. Such a Mixture of Inconsistency and Nonsense, that
‘ any one that has the least Spark of Conscience, or Reason,
‘ must renounce, and detest. But this dismal Effect has such
‘ a State of Habitual Hypocrisy, that it quite damps and extin-
‘ guishes both, quenches the Holy Spirit of God, and crucifies his
‘ Son afresh; and as it finds a Man void of Shame, generally
‘ without a miraculous Conversion leaves him incapable of
‘ Repentance, and both damns him here, and hereafter; and as
‘ he chose it in this World, appoints him in the next, his Por-
‘ tion with Hypocrites, and Unbelievers, with all Liars, that have
‘ their Part in the Lake which burns with Fire and Brimstone, with
‘ the Grand-father of Falsehood, the Devil and his Angels. And
‘ so here we leave our False Brethren, in the Company they al-
‘ ways keep Correspondence with.

To go on: said Sir Thomas, is that true, that he only calls upon the Magistrates for Justice upon these Offenders? If his Intent really were to exhort the Magistrates, before whom he Preached, to put the Laws in Execution, one would expect to find it vehemently pressed under the fourth Head, where he undertakes to shew what should be the Results of all; but I have searched carefully, and can find nothing there, nor any where else, of any such Exhortation. There is indeed a Calling upon the Pastors of the Church, who were not present, to thunder out Anathema's against Schism; which could not be to perswade those Pastors that did not hear him, but to condemn their Remissness to the People that did. But all the rest is to

the *People*, to *adhere to the Fundamental Principles*, to *watch against*, MARK AND AVOID, *those that desert them*; to *give Place*, BY SUBJECTION, *no not an hour*; to *despise sneaking shuffling* COMPLIANCES, and *put on them* BRAVEST *Resolutions which the* PRESENT *Case requir'd*; there is a denouncing *Woe to the fearful Heart and faint Hands*, a shewing the *Perils and low Estate of the Church*, that her *Sons deserted her*, that *she lay bleeding of her Wounds*, that her *Adversaries* were CHIEF, and her *Enemies* AT THAT TIME *prosper'd*. Is *this* the *Language* of one that is only, laying before *Magistrates* the Abuses of a few, *inferior Persons*, within their *Power*, subject to their *Authority*, and whom they could *easily crush*, and *desiring* those *Magistrates* to *correct them*? In short, is it calling upon the *Magistrates*, or upon *the People*, for *Justice*?

Again: He solemnly declares his *Meaning* in the *Sermon* to have been, that the *Dangers* of the *Church* are *only* such as arise from the *Sins* of the *Nation*, but *not in the least* from Her *Majesty* and Her *Administration*. Let any one cast his Eye upon the *Sermon*, or upon the *Dedication* of that Preach'd at *Derby*, and try how the several *Expressions* suit this *Scheme*, and he will see the Dr. had nothing of it in view *then*, but that 'tis *contriv'd since*, for him to *pretend now*. Sir *Thomas* urg'd, that what *Dangers* of the *Church and Constitution* he meant in the *Sermon*, was too *plain* to be *shifted* off by a *Protestation*; for he tells expresly *what* they are, and *from whom*; from *Men*, whom he describes as being *in* the *Administration*, who *undermine and betray the Church, and enable others to destroy it*; they are *such* as he apprehends, not from the *Hands of God*, but from the *Treachery* and *Violence of Men*. That accordingly, the *whole* tends, to stir up *Anger*, *Indignation* and *Fury* against *those Men*, not to move *Humiliation* and *Prayers to God* to avert those impending *Judgments*. But possibly he might expect to be *understood*, not of an *immediate* Vengeance of *God*, or *his delivering* us into the Hands of a *foreign* Enemy, but his *permitting* wicked *Men at home* to *overthrow* the Church. That if we take it to be so; this *solemn* Protestation is a mere *Evasion*, and a *shifting the Question*. That 'tis true, the *Overthrow* of the *Church and Constitution* is the *heaviest Judgment* can befall us, and if it *does* happen, must be accounted the *Act of Divine Justice* punishing us for our *Sins*. All *National Punishments* are certainly the more *immediate Acts* of the *Justice* of *Providence*; and the *Instruments* made use of to bring them about, are very *often wicked Men*. That the *Profane Writers*, the *Atheists*, the *Abusers of the Toleration*, the *Villifiers of Holy Orders*, of *the Church*, and *of Christianity*, and other *wicked Men*, may have given great *Provocations* to *Almighty God*, and if he should

should say so great as might give just Cause to fear a *Judgment* upon us, that *may endanger* the *Church* and *Constitution*, yet *still* the *Question* was, *what Hands* were about to *execute* this *Judgment* upon us; that they charg'd the Dr. as representing the *Church in Danger under Her Majesty's Administration*, as suggesting that Her *Majesty's Administration*, *in Church and State*, *tends to the Destruction of the Constitution*; and consequently, that the *Hands* of those in the *Administration* are about to *execute* such *Judgment*; And he solemnly *protested* he apprehended *no Danger but from God*. That this was *trifling*; for *every* such *Danger* is from *God*, and his *Judgment*, whoever they be, whether *Her Majesty*, and *Her Ministry*, or *any others*, that *immediately* bring it upon us. That this therefore, instead of *answering*, was *evading*, and *diverting* their Lordships *View* from the *Persons* he charged to be *working* the Ruin of the Church, to *God* the *Supreme Director* and Over-ruler of all the Actions and Designs of Men. As if the Reflection on the *Queen* and Her *Administration* were the less for saying, that *they* are the *Instruments* in the *Hand of God* to *scourge* the Nation for its *Sins*, and to *execute* his *Vengeance* in *overthrowing the Church and Constitution*. So that he was afraid *this part* of his Solemn Protestation was either *false*, or *evasive*, or *both*.

That as to what he (Sir *Thomas Parker*) offer'd to their Lordships on the Clause of *keeping up Distinction of Factions and Parties*; he desired to add the *weight* of *one Authority* out of the *excellent Sermon* Preach'd by the most Reverend *Prelate* my Lord Archbishop of *York*, and *produced by the* Doctor: that the words were these: 'They are Factious, they are 'Setters up and Abettors of Parties, who endeavour to de-'stroy, or unsettle, or disparage, or in the least hurt or weak-'en the Government and the Laws as they are establish'd; let the *Principles* on which they go, or the *Pretences* they make, be what they will. And whether the Dr. had not endeavoured in the highest Degree to *Disparage the Government*, and consequently to *weaken* it, their Lordships would judge.

As to the other Clauses, *continued he*, *they* have *offered* very little, and I will not *repeat* what I said before. Only I would take notice, that under the Head of *stirring up to Arms*, something was urged by the Council, in relation to what I said upon some Texts of Scripture, but so intirely *mistaking* my Meaning, that I think *my* self *unconcerned* therein.

As for *perverting Scripture*: The Council would seem to *pretend* something or other to be the *Mistake of the Printer*, without saying *where* the Mistake is, or *how they* would have it read. I'll tell your Lordships what the *Mistake* is, it is Printing the second Chapter of *Lamentations* instead of the first, and misplacing the References to *Lamentations* and *Zechariah*, which I scorned to take advantage of, and in what

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I said, rectified. But this serv'd for a Shew of an Excuse. They said something more on this Head, but not to what was my Objection; but promised the Doctor should clear all. My Lords, I think I might reasonably here put an end to the Trouble I am giving your Lordships; but that I apprehend some things which fell from the Doctor, and which have not fallen in my way already, may be proper to be taken notice of, so far as concerns what is within my Province. I own, his Speech was extremely well Compos'd, fitted not so much to inform, (his Case would not bear that) as to move (wherein his Hopes were most justly placed;) not so much to state the Question and clear it, as to divert it; all the plausible Topicks were labour'd, and all the Arguments that press'd hardest upon Him, and most requir'd an Answer, pass'd over in Silence; the whole fram'd to give the Passions Mastery over Reason, and to induce a Perswasion that so good, so excellent a Man, as he painted himself, that has so many Virtues, so great Sincerity, so true a Zeal for Religion, could not be guilty of this Charge, tho' plainly prov'd upon him; the Protestations were strong and hearty, and such as will read well amongst the People, clear of all those qualifying Clauses, that might perhaps have made it suit better with the Truth of his Case, but would have had the Inconvenience of giving to the Readers Suspicion of Guilt; an agreeable Concern for Religion and Virtue ran thro' all, which will always strike an Audience, and seems intended to make some Amends for the Rage, and Fury, and Zeal for Party, in the Sermon. I only wish, for the Doctor's Sake, the Composer had preserv'd a little more Regard as well to what was fit to be said here, where the Truth of the whole Matter is known, as to what was fit to be said abroad, and given it a little more Resemblance of the Doctor and his Sermon; that he had not calculated so many parts of it for an Appeal to the People, and to obtain their Acquittal upon his own Word; and I must needs say for my self, (tho' my liking or disliking it is of very little Moment) had it had fewer and less Solemn Appeals to God Almighty, or more Truth, or I known less of the Matter, I should have lik'd it much better.

He begins with making his *Order*, the *Church* and *Christianity* to be concern'd in the Cause; intending it, I presume, to be understood abroad as a Charge upon his Accusers, that in his Person they arraign all these. But I shall not pretend to follow him throughout the whole Speech, only point out some *Fallacies* in it. Sir *Thomas Parker* own'd, That Great Regard is to be had to the *Word*, much more to the *solemn Declaration*, much more to the *Oath* of a *Clergyman*, when he

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is *free* and *unbyaſs'd*. But when he *ſtands* in *Judgment*, when the *Rod* is *over him*, when there is *only one way* open for Eſcape from the juſt Puniſhment due to his Crimes, *by proteſting* his *Innocence*, neither his *Word*, nor his *Declaration*, nor his *Oath* is to be regarded. Thus ſuch a *Method* will acquit *all* that are accuſ'd; and the *leſs Confidence* any ſuch Wretch has, the *ſurer* and *eaſier* will be his *Eſcape*. And therefore their Lordſhips would judge by what the Doctor had *taught* the People, what he had *publiſh'd*, and not by what he *pretended* to be his *Intentions* in doing it.

He urged, that the Doctor made Complaint of the *Generality of his Charge*, that it was ſuch, that he *knew not where it would point*. But ſuppoſe the Commons had follow'd the *more common* Way, and ſet forth *all the Paſſages* they had read, or the *whole Sermon and Dedication* verbatim, as they might have done without pointing out *what they* objected to, or *why*; had *that* left him leſs in the Dark? It was therefore more for his *Advantage* that they ſhould tell him the *particular Points* they would inſiſt upon, than if they had left themſelves at Liberty *at the Tryal* to *make* as many *Points* as they then pleaſed. That the Doctor laid it down for a Rule, That the *Higher the Charge is, the more clear ought the Proof to be*. That the *Proof* here was *indiſputable*, the *Sermons* and *Books* were not denied to be his: And *theſe* were all that *ſtrictly* made the *Evidence* in the Caſe; the reſt was but *Argument*, and ſhewing them to be Libellous in the Particulars in the Charge. But take Proof in a larger Senſe, ſo as that it may extend to the *Reaſoning* upon the Evidence, and to the making good the Charge, as in this Caſe, was perhaps not improper. That he (Sir *Thomas*) had no Reaſon, in *reſpect of this Charge* againſt him, to Conteſt his Rule, becauſe the *Proof* of it in *that Senſe* was *clear* too. But yet, for the ſake of *Juſtice*, he ſhould take the Liberty to ſay, that, *as apply'd* to this Caſe, it was a *Fallacy*.

That *this Sort of Proof* ariſes from the *Senſe and Doctrine of his Books*; And, he preſumed, the Doctor could not hope, that becauſe this was charged to be ſo *high* a Crime, as *Defaming* and *undermining* the *Government*, any more *favourable Meaning* was to be put upon his *Words*, than if it were the *leſs Crime* of *Defaming* a *private* Perſon; or that their *Lordſhips* ſhould not underſtand in this *Caſe*, that which every Body *elſe* that heard it underſtood, and which their *Lordſhips would* have underſtood, if it had not *indanger'd* the *Government*. He own'd he could not comprehend why their *Lordſhips* ſhould be more ſhy of Defending the *Government*, than a *private Reputation*; or *moſt afraid* of *Cenſuring* that which was of infinitely the *moſt dangerous* Conſequence, if it ſhould eſcape

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cenſured. That on the contrary, in the caſe of thoſe Things which tend to the *Overthrow* of the *Conſtitution*, where the Rules and Methods of *inferior Courts cannot* apply a proper Remedy, their *Lordſhips* upon the Impeachment of the Commons *may*. Let the *Contrivance* lye never ſo *deep*, be never ſo *awfully wrought*, when it ſtrikes at our *All*, it would be *abſurd* to ſay, the *Commons* may not bring it to the Bar of Juſtice, and their *Lordſhips* prevent its dreadful Effects, and give it the Puniſhment it deſerves: And that without that *Power*, their *Conſtitution* were *weak* and *precarious*.

That the Doctor obſerved in what manner the *Charge* againſt him was *ſupported*, not by *expreſs Sentences* of his, but by *Inferences*, and *joining independent Sentences*, (as to that part Sir *Thomas Parker* had conſider'd it already;) and he ſeemed to expect, that if he were Guilty of Suggeſting and Maintaining the Things charg'd upon him, the *Paſſages might as eaſily be pointed to in his Sermon, as the Doctrine in thoſe he produced, and that bare reading, without a Comment, would convict him.* No, my Lords (continued he) Even Doctor *Sacheverell* is not *yet* arrived at that Pitch, as to *Arraign the Government* as directly and openly, as to *preach a General Doctrine. This Fallacy ſeems very groſs.* For is it reaſonable to think, that a Man that intends to unhinge the *Government*, to expoſe an *Adminiſtration*, to fire the *People*, to raiſe *Sedition*, ſhould ſpeak *directly and plainly?* No he is to cover his Deſign even from *thoſe* he is to *draw in*, he is to *pretend* Zeal for Religion, *inſinuate* himſelf by degrees, not *ſhock* his Hearers *at firſt* with a Declaration againſt a *Queen they are fond of*; he muſt *pretend* Zeal for Her Majeſty, to preſerve *their* good Opinion of *himſelf*, while he is doing that which by *degrees* will alienate *their* Affections from *Her*. *This* he *muſt do*, tho' there were none to *puniſh*, and to prevent the Daſhing *his own* Hopes of Succeſs. But when he knows that the *Power* of the *Adminiſtration* he is to Revile and Rail at, is *over* him, and at *hand*; that is a farther Reaſon for *Caution*: Therefore in ſuch *Diſcourſes*, *dark Phraſes* are to be ſtudied, *confus'd Deſcriptions* will be frequent, with a perpetual *Perplexity of Expreſſion*, between *ſaying* what his *Rancour* will not let him *with-hold*, and *with-holding* what his *Fear* will not let him *ſpeak out*. *Schemes of Speech* are to be contriv'd, that have *two Meanings*; the *one* more obvious and plain, to have its *full Effect* upon the *People*; and the *other* (that will occur to no Body elſe) a *Reſerve*, to be *offer'd* to a *Court of Juſtice*. *This is naturally* to be expected in *Seditious Diſcourſes*. But if *your Lordſhips* will paſs *this* by, which has ſpoke infinitely more plain and audaciouſly than any other (I believe) that ever ſo publickly dar'd Authority, your Lordſhips may expect

poſt to ſee a *new Diſcourſe* from the Doctor, where *Sedition*, that had but a very *thin Diſguiſe* in *this*, ſhall *there* have *none at all*. And this may ſerve for an Anſwer to what is urg'd from his *zealous Expreſſions for the Queen*; for if the *whole* Diſcourſe have quite *another Tendency*, it is plain that thoſe are only parts of the *Blind* and *Diſguiſe*.

Sir *Thomas* ſaid further, That the Doctor complain'd, that he was *Accuſed for what he had omitted*, as if done with Deſign, and his *Silence was made Criminal*. That he was the Perſon that took Notice of his *Omiſſions*, but did not make them a part of his Charge. Indeed, when he in his Anſwer proteſted (as now he did more ſolemnly) his Loyalty, he took that Profeſſion into Conſideration, as a part of his Defence, which he ought to take notice of. That he had learnt that the beſt way to try the Truth or Falſity of Pretenders to Virtue or Religion, was by their Fruits. Accordingly he conſider'd his Management of his Text in this Sermon, how agreeable it was to ſuch Profeſſion, and to ſee what Fruits of Loyalty he could find there. And their Lordſhips would now apply thoſe Obſervations to his ſolemn Appeal to God before their Lordſhips, that his *Intentions in that Sermon* were to exert his BEST ENDEAVOUR for the Security of Her Majeſty. That he ſhew'd their Lordſhips, that he omitted the only true Notion of *Falſe Brotherhood* in State, which took in the Non-Jurors and Diſaffected, tho' his Text led to it; that he had omitted to make the proper Uſe of the Doctrine of *Paſſive Obedience*, which was to preſs Obedience and Submiſſion TO HER MAJESTY, tho' the Day and the Doctrine ſeem'd both to require it. That he had ſet up another Notion of *Falſe Brotherhood*, which he (Sir *Thomas*) ſhew'd to be, upon his own Principles wrong. That by theſe he try'd his Pretences, and ſhew'd this Behaviour unaccountable, if they were ſincere: but if he were at Heart for the Pretender, he made it manifeſt that all his Procedure was juſt, nay that even his Notion of Falſe Brotherhood was right to him that was of that Mind, and that his Application of the firſt of Lamentatious was exact and fine upon that Suppoſition, which is never to be juſtify'd or excus'd on any other. That this he then preſs'd no farther, than to ſhew that his Sermon had in it no Fruits of that Loyalty which he pretended: But he might make a farther Uſe of it *now*, as a plain Contradiction to his ſolemn Declaration. For, added Sir *Thomas Parker*, has he pretended to give any Anſwer to this? Was I wrong in my Notion of Falſe Brotherhood, or was he right in his? Has he made that Uſe of Paſſive Obedience, as to preſs Submiſſion to the Queen from it? Has he not let the Non-Jurors eſcape, tho' his Text led him to

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ſpeak againſt them, and advanced a falſe Notion *merly* to fall foul upon thoſe that juſtifie the Reſiſtance in the Revolution, and cut off thereby every Colour of Title to the Pretender? Or does he offer to reconcile that Proceeding with his Pretence? No—And then, tho' bare Omiſſion were not a Fault, yet I may now ask, is that Omiſſion conſiſtent with his Proteſtation of an Intention to exert his beſt Endeavour for Security of the Queen? Did he exert, or intend to exert his beſt Endeavours, that omitted things ſo very obvious? Nay, where does he ſhew that he has exerted any ſuch Endeavour at all? On the contrary, he has fallen into the Methods us'd, by thoſe that are againſt Her Majeſty, to undermine and weaken her Title, and to diſparage Her Government, and to render it odious to the People.

He Complains, continued Sir *Thomas*, *That where he preſſes Obedience to the Queen, we ſay he means the Pretender.* My Lords, It was one of the Omiſſions that I urg'd againſt him in the Manner I have juſt mention'd, that he no where preſſes Obedience to the Queen. Does he think it had not become him to ſhew where he did preſs it, if he could? Or what Name does he think is to be given to his taking it for granted, that he had done that, which it was expreſly charged he had not done, and which he cannot ſhew he has?

He ſeems to complain of ſome Expreſſions that have been us'd againſt him by the Managers, as not becoming this place, or his Order. My Lords, I hope we ſhall always demean our ſelves with juſt Reſpect towards your Lordſhips. And as to him, he is to conſider, that there is a wide Difference between what a private Man ſays of others, much more of his Governors, in Converſation, or in popular Aſſemblies; and what is ſpoke of an accus'd Perſon at his Tryal. In the former Caſe, it is not fit to ſpeak ill of them, that which is true; in the other, the Crime is to be repreſented as it is, and the Perſon is to have no Reſpect paid him that ſhall any way tend to prevent ſhewing the full Enormity of the Crime in all its true Colours; and if any thing has been ſaid, which otherwiſe his Orders would have ſecur'd him from; let him remember that his Crime deprives him, at this time, of that Protection, where 'tis one Aggravation, that he has abus'd his Holy Function; which it was the Buſineſs of the *Managers*, both to ſay and to make out.

He Complains that there is *no Allowance made to a Miniſter rebuking Vice and Irreligion with Zeal, when he happens thereby to be carry'd into an Expreſſion not well guarded.* My Lords, His Zeal apparently is level'd more at Perſons than Crimes, he mentions not Falſe Doctrines to confute them, nor the Faults of thoſe that hear him, that they may amend them; but

but rails at Persons absent to expose them, and raise the Passions of his Audience against them; his Zeal leads to hunt out Faults, for an occasion of Complaint; to magnifie whatever is amiss, and charge all home upon the Government, departing from the Office of an Ambassador of the Prince of Peace, and preaching Sedition and Rebellion. And in such Case, his Orders are so far from being an Excuse that they are an Aggravation; when he, who ought to preach Peace, Long-Suffering, Gentleness and Submission, foments Divisions, creates Jealousies, heightens Animosities, and disturbs the Government. But where there is a Sermon truly tending to promote Religion and Virtue, God forbid that any incautious Expressions in it, tho' justly exceptionable, should be laid hold as an Occasion to punish the Preacher; it has not been done, nor, I think, ought to be. Yet when a Minister presumes to go out of his Way, and to meddle with the Government, he ought to be more than ordinarily wary in his Expressions, since his Character gives his Reflections greater Weight and Force with the People, and his Errors will therefore do the greatest Mischief. And this Man that professes to preach Politicks, and laughs at those that tell him 'tis his Duty to preach Peace, and is inflaming the People against their Sovereign, must not think himself intitled to that Favour. Sir *Thomas Parker* own'd he was very well pleas'd to hear the Doctor's Declaration in Favour of the Succession in the House of Hanover, and his earnest Prayer for perpetuating it: Because, whenever our Sins shall be the Occasion of our losing the best of Queens, the Security of our Religion and Liberties for our Posterity depends upon it. But he a little wonder'd, that the Doctor appeal'd to God, that in this Sermon he had sincere Intentions to exert his best Endeavours for the Security of the Queen, and the Protestant Succession. He hoped he was hearty for both, but sure, his best Endeavours for them were not exerted in this Sermon. As for the Queen, he had spoke already. And as for the Succession, he own'd himself entirely at a Loss, in what part of the Sermon it was, that he had exerted any Endeavour at all for the Security of the Protestant Succession; For he did not find any thing that he apprehended could concern it, except that Place where he ridicul'd the Notion of any Right to the Crown, but an Hereditary Right.

Then the COUNCIL having in great measure declin'd that Head about *Wresting and perverting divers Texts and Passages of Holy Scripture*, and seeming to promise that the Doctor should give Satisfaction therein. He was in great Expectation of his Performance there, but was miserably disappointed, and could not but be in some Confusion for the Doctor; tho' he

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ſeem'd to have intire Satisfaction in himſelf, That his Anſwer put in before their Lordſhips to the Charge of the Commons, was throughout evaſive and reflecting; but in this part of it there was a Maſter-piece of Equivocation and Malice, to avoid either confeſſing or denying the Charge, and to caſt an *Odium* on the Commons, as Perſecutors of the Clergy. The Words were theſe: 'Hard is the Lot of the Miniſters of the Goſpel, if when they cite the Word of God 'in their general Exhortations to Piety and Virtue; or in 'the Reproof of Mens Tranſgreſſions, or where they are la-'menting the Difficulties and Conflicts with which the 'Church of Chriſt, whilſt Militant here on Earth, muſt al-'ways ſtruggle; the ſeveral Texts and Paſſages by them ci-'ted, ſhall be ſaid to have been by them meant of particular 'Perſons and Things, and ſhall be conſidered in the moſt cri-'minal Senſe, and be made by ſuch Conſtruction, one 'Ground of an Impeachment for high Crimes and Miſde-'meanors.

Theſe, ſaid Sir *Thomas*, are the Words of his Anſwer; and give me Leave to ask, do they deny, or do they confeſs the Charge? Neither —— But are an Appeal to the Paſſions of the People, amongſt whom it has been ſo induſtriouſly and irregularly diſpers'd. Yet I dare ſay every unwary Reader took the Doctor to have deny'd this Charge, and felt ſome Indignation againſt the Commons for making it. My Lords, He has now come upon his Tryal, he has been charg'd home upon this Head. And permit me to ſay, there cannot be a heavier Charge upon a Miniſter of the Goſpel, nor more affecting to any one that has not abandon'd all Pretence to Common Honeſty. Give me Leave to mention ſome of thoſe ſolemn Words, wherein a Prieſt receives his Orders. "Receive "the *Holy Ghoſt, for the Office and Work of a Prieſt in the* "*Church of God*; and be thou *a faithful Diſpenſer of the Word* "*of God*, and of his Sacraments, *in the Name of the Father*, "*of the Son, and of the Holy Ghoſt*. This Crime therefore when committed by a Prieſt, is betraying that ſacred Truſt repoſed in him with his holy Orders; 'tis forgeing the Authority of God, 'tis aſſuming a Superiority over the inſpir'd Writers, if not over Him that inſpir'd them. The Doctor therefore that is ſenſible (as he ſays) of the Load of Guilt and Infamy the Charge of the Commons lays upon him, and whereof this is ſurely the heavieſt Part; What does he ſay to this? He ſays, if he be guilty he is to anſwer it at another Tribunal, where he is to be judged by theſe Scriptures. My Lords, So he is to anſwer at that great Tribunal for every Branch of this preſent Charge. But is this all? Is he negligent of his Reputation in no other Inſtance but this,

that

that is the tenderest and most affecting? Or will he thus give himself up for a Falsifyer of the Word of God, and yet have the Confidence to hope for any Reputation, or any Capacity of doing good in preaching it? Is it thus the Dignity of the Sacred Order is to be supported? Is this the Cause of the Church, and of Christianity? And are they wound up in the Fate of an Impostor and false Prophet? Pardon the Warmth of the Expression; his not laying a Word to the Charge, owns all this. My Lords, It is true (as the Doctor has said) the Sacred Order, the Church and Christianity are concerned in this Cause; but 'tis, that they may be clear'd from the Reproach brought upon them by this unhappy Man. But if he be self-condemned, if he dare not open his Mouth on this Subject, how dare he declare his Hopes, that those of your Lordships, whose Studies more particularly lead that way, should acquit him? My Lords, He has made an Appearance before your Lordships in a manner very extraordinary, not only as in a Defence of a Prosecution, but as in a most solemn Act of Devotion, before the most August Judicature on Earth, appealing to a yet greater in Heaven. But with what Sincerity! what Candor! or what Sense of that which he has done! I am amazed, that a Person in Holy Orders, in his distinguishing Habit, before this awful Assembly, should dare to take the tremendous Name of God into his Lips, and appeal to him for the Sincerity and Integrity of his Heart, at that very time when he stands charg'd with this black Crime, and is neither able to repell it, nor has the Sincerity and Honesty to repent, to take Shame upon himself in the most publick manner, and to ask Pardon of God and the World for it. But while he can thus, with such Assurance as your Lordships have seen, and now see, face out such a Crime, and be equivocating and playing double with your Lordships, with God Almighty, and his own Conscience; what Regard is to be had to his most solemn Protestations? His manifest Insincerity in this plain Point, leaves him no Credit in any thing; and his having taken the Abjuration Oath, gives me not the least Difficulty, after what I have observ'd of his more solemn Oath before your Lordships. My Lords, said Serjeant *Parker* in the Conclusion; the just Veneration we owe to the Divine Majesty, (for the Doctor's Behaviour has made that now part of the Case) the Honour of Christianity, the Church and its Holy Orders, the Security of the present Establishment, and the Protestant Succession, the Safety of Her Majesty's Person, the Quiet of Her Government, the Duty we owe to Her as our Sovereign, the Gratitude for Her most gracious Administration, the Honour of our Prelates, the Obligations we are un-

der to prevent Seditions and Tumults, to undeceive the People, to quiet the Minds of the Protestant Dissenters, and convince them that the Toleration allow'd them by Law is not to be taken away from them, to secure at present, and transmit to our Posterity (as far as in us lyes) our Religion and Liberties, and vindicate the Revolution (which is the Foundation on which they stand) and the Glory of our late Royal Deliverer, to whom under God we ow'd it; and to banish Sedition from the Pulpit, which is, and ever ought to be sacred to Divine Purposes, *Require* the Commons to demand your Lordships Judgment on this Offender. But, my Lords, he observes so far rightly, that his Punishment is not all we aim at. No, my Lords,—What we expect from your Lordships Justice, is, the Supporting our Establishment, the preventing all Attempts to sap its Foundation, and answering those other great Purposes I have mention'd; and I hope the Clergy will be instructed, not to preach the Doctrine of Submission in such manner as to prepare the way to Rebellion, but to follow the Advice and Example of my Lord Archbishop of *York*, rather than tread in the Steps of Doctor *Sacheverell*. And we doubt not, but that those to whom our Proceedings have been so industriously misrepresented, will see and own the Favour shewn to this Man, in the manner of the Charge; and our Care for the Honour of the Church and Clergy, in singling out for an Example for those impious Attempts against his Country, him that now plainly appears the SHAME of his Own Order.

Sir Thomas Parker having made an End of his Speech, the Earl of *Nottingham* said, My Lords, I desire your Opinion, whether I may propose a Question to the Judges here. Whereupon the Earl of *Sunderland*, having moved to adjourn, the Lords adjourned to their House above, and being returned, and seated as before, Proclamation was made for Silence.

Note, *During this Adjournment, the Lords on Debate agreed, That the Question should be proposed in* Westminster-Hall.

Lord Nottingham. My Lords, The Question I humbly propose to your Lordships, that my noble Lord on the Woolsack may propose to the Reverend Judges, is, Whether by the Law of *England*, and constant Practice in all Prosecutions, by Indictment or Information for Crimes and Misdemeanors by Writing or Speaking, the particular Words, supposed to be Criminal, must not be expressly specified in such Indictment or Information.

Then

Then the Lords were moved to adjourn, and accordingly did adjourn to the House of Lords; and being returned, and seated, as before, and Proclamation made for Silence, the Lord Chancellor *said,*

I take it, the Question that your Lordships are of Opinion to ask the Judges for them to give an Answer to, is, Whether by the Law of *England*, and constant Practice in all Prosecutions, by *Indictment or Information* for Crimes and Misdemeanors by Writing or Speaking, the particular Words, supposed to be Criminal, must not be expresly specified in such *Indictment or Information*?

This Question being thus put to the Judges, Mr. *Baron Lovell* said, My Lords, I have always taken it to be so, and by constant Experience we have practis'd it so, that all Words and Writings, which are supposed to be Criminal, ought to be expresly mentioned in the Information or Indictment.

Mr. *Justice Dormer*. My Lords, I am of Opinion that by the Laws of *England*, and constant Practice in all Prosecutions, by Indictment or Information for Crimes and Misdemeanors by Writing or Speaking, the particular Words supposed to be Criminal ought to be specified in such Indictment or Information, in the Courts of *Westminster-Hall*.

Mr. *Baron Bury*. My Lords, I am of the same Opinion with my Brothers.

Mr. *Justice Tracy*. My Lords, I am of the same Opinion.

Mr. *Justice Gould*. My Lords, I am of the same Opinion. It is our Practice in the King's Bench, and we specifie the Words in the Indictment, or it is Cause of Demurrer.

Mr. *Justice Blencowe*. My Lords, I am of the same Opinion with my Brothers.

Mr. *Justice Powys*. My Lords, I am of the same Opinion.

Mr. *Justice Powell*. My Lords, The Law of *England* is certainly so.

Lord Chief-Baron. My Lords, I am of the same Opinion.

Lord Chief-Justice Trevor. My Lords, I am of the same Opinion, that by the Laws of England the Words ought to be specified in the Indictment or Information.

Then the Lords adjourn'd to their House above.

Those who were for Punishing Dr. *Sacheverell* were not a little concern'd at this unexpected Difficulty, which seem'd of no less Consequence than to baffle the whole Prosecution: But it being Suggested that the Judges had deliver'd their Opinions, according to the Rules of *Westminster-Hall*, not according

according to the *usage of Parliament*, the Lords, on the 11th of *March*, resum'd the Debate about the Question proposed by the Earl of *Nottingham*, (the Queen being present) and at last resolv'd, 'That they 'would proceed to the Determination of the 'Impeachment of Dr. *Henry Sacheverell*, according to the Law of the Land, *and the Law and Usage of Parliament*: and appointed a Committee to search for Precedents, which they did accordingly on *Monday* the 13th of *March*.

March 11th. *Resolution of the Lords.*

March 14. The next day, they Proceeded in the same Affair, and found a Parallel Case to Dr. *Sacheverell*'s Impeachment, which was that of Dr. *Manwaring*, in the Reign of King *Charles* the First. Wherein the words for which he stood Impeach'd by the Commons were not expresly mention'd in the Articles; of which Precedent they made their Report to the House: And a Debate arising whether a Question should be stated? It was propos'd to adjourn the House. Then the Question was put, whether the House should be now Adjourn'd? Which was resolv'd in the Negative.

Dissentient.

R. Ferrers,	*Buckingham,*	*Chandos,*	*Albemarle,*
Abingdon,	*Poulet,*	*Osborne,*	*Ormonde,*
Beaufort,	*Dartmouth,*	*Lempster,*	*Conway,*
Denbeigh,	*Guernsey,*	*Geo. Bath &*	*Stawell,*
Jo. Ebor.	*Wemyss,*	*Wells,*	*Mar,*
Berkshire,	*Scarborough,*	*Northampton,*	*Howard,*
Weymouth,	*Nottingham,*	*Berkeley Str.*	*Guilford,*
Leigh,	*Rochester,*	*Willoughby Br.*	*Plimouth,*
Sussex,	*North & Grey,*	*W. Cestrien.*	*Anglesey,*
Lexington,	*N. Duresme,*	*Suffolk.*	*H. London,*
Hamilton,	*Scarsdale,*	*Haversham,*	*Thanet,*
Jersey,	*Weston,*	*Northesk,*	*Tho. Rossen.*
Craven,	*Leeds,*		

Then after further Debate, the Question was put:

That by the Law and Usage of Parliaments in Prosecutions, by Impeachments for High Crimes and Misdemeanours, by writing or speaking, the particular Words, supposed to be Criminal, are not necessary to be expresly specified in such Impeachments.

It was Resolved in the Affirmative.

Dissentient.

Buckingham,	*Hamilton,*	*Dartmouth,*	*Tho. Rossen,*
Jo. Ebor,	*Berkeley Str.*	*Mar,*	*Geo. Bath &*
H. London,	*Northesk,*	*Haversham,*	*Wells.*

I. Because

I. Because we conceive the Law of the Land, is as much the Rule of Judicature, as it is in Inferiour Courts of Justice; and since by the Opinion of all the *Judges*, in all Prosecutions by Information or Indictment, for writing or speaking, the particular Words supposed to be Criminal, must be expresly specified in such Information or Indictment; and that this is the Law of the Land confirmed by constant Practice, we conceive, that there is the same Reason, and Justice, for specifying in *Impeachments*, the particular Words supposed to be Criminal; for otherwise a Person who is Innocent, and Safe by the Law out of Parliament, may nevertheless be condemned in Parliament.

For we conceive, That some Reasons of Law and Justice, why the Words supposed Criminal must be specified in Informations and Indictments may be, that the Party accused may certainly know his Charge, and be thereby enabled to defend his Innocence, that the Jury may know it too, and be enabled thereby the better to apply the Evidence given by the Witnesses, to the Matter of such Charge, and that the Judges themselves may the better judge of the Nature of the Crime, and of a Punishment *Adequate* to it, which in Cases of Misdemeanours, which are Indefinite and Innumerable, must extremely vary, according to the heinousness of the Offence; and finally, That the House of Lords, upon Complaint to them, may also Judge, whether the Fine, which is usually one of the Punishments for Misdemeanours, do not exceed the Demerit, especially since by the Bill of Rights, exorbitant Fines are declared to be Illegal, which Reasons seem to be fully as strong in the Case of Impeachments, 'As in Indict-
'ments and Informations; for the particular Words are as
'necessary to enable the Lords, to determine uprightly and
'impartially, as the Jury or Judges, and as necessary for the
'Defence of the accused here as in the Courts below; and
'if there were to be a Difference, it seems more necessary in
'this High Court: For the weightier the Prosecution is, the
'more need has an unfortunate Man of Indulgence, and all
'lawful Favour; and surely there cannot be an heavier Lord
'upon Man, than an Accusation by all the Commons of
'*Britain*.

I. 'We do not Remember any Precedent insisted on for the
'maintenance of this Resolution, save only the Case of Dr.
'*Manwaring*, which we conceive could not warrant this Re-
'solution: For, First, the Words charged upon him by the
'Commons Declaration, were not compared with the *Ser-*
'*mons* tho' it was desired, and consequently, no Lord could
'say, they were not the Words of the *Sermons*, and therefore

upon such Uncertainty, we conceive we could not ground a Positive Resolution.

II. The Charge upon him taken out of his Sermon, on the 4th of *May* 1628. Seems to be the very Words by him spoken; for they were attested by Ear Witnesses, who surely never were, or could be admitted to attest their own Conjectures of the Scope of a *Sermon*; and not specify the very Words; for that would be to make the Witnesses to be the Judges.

Besides in such a Case as this; where the Party did not insist upon any Legal and just Exceptions, of which he might have taken Advantage; if he had made his Defence, which he did not, but Submitted, and begged Pardon, this ought not to be looked upon as a Precedent for Authority to Justifie the Illegality, of the Form of that Impeachment.

III. But altho', this Precedent were full and Express to the Point Resolved; we humbly Conceive that one Precedent is not Sufficient to Support a Law and Custom of Parliament, nor Consequently a Resolution declaring it; for surely there is great difference between a single Instance, and a Law and Custom.

IV. Since we Conceive that in all the Precedents, at least that have appeared to us for Four hundred Years, of the Prosecutions in Parliament, the Particular Words charged as Criminal, have been Constantly expressed in the Article, or Declarations of Impeachment.

* *Exilium Hugonis de Spencer Patris & Filii*; Edw. 2. The First Article was for making a Bill in Writing, the Tenor whereof, was particularly Set forth.

William de la Pool 6. *Art.* 28 *Hen.* 6. was for words Spoken by him; in the Council in the Star-Chamber, (*Viz.*) That He said, he had a Place in the Council-House of the *French* King, as he had here, and was as well trusted as he was here, and could remove from the *French* King, the Priviest Man of his Council, if he would.

Lord Finch,

The Opinions, he delivered are set forth in *hac Verba*, as also the times when he delivered them. 1640. *Art.* 4 & 5.

Another Opinion delivered by him in the Exchequer Chamber, and Western Circuit, is set down in his Express Words. *Art.* 7.

Dr. *Osens.*

He is Charged with Words delivered in a Sermon at *Durham*, the Words were these, The Reformers, &c. 1640. *Art.* 12.

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* *Vid.* This Case at large in Sir *Simon Harcourt's* Speech, in the Tryal.

Char-

Charges him with Words in like manner, the Words were these, the King, &c. *Art.* 19. 1641.

Berkley.

The Words charged upon him, are Expresly mentioned. *Art.* 1. 4, 5, 6.

That he Subscribed an Opinion in *hæc Verba*, which are specified.

The matter therein charged, tho' of Record was Copied and delivered with the Articles.

The Words spoken and the Place Expresly set forth. *Art.* 7, 8.

Judge Crawley.

For Subscribing and giving Opinions set forth in *hæc Verba.* 1641. *Art.* 1. 2. 37.

Herbert.

For Exhibiting of Articles against the Five Members, which Articles follow in these Words, &c. 1641.

Thirteen Bishops Impeached for Making and Promulging in 1640. Several Constitutions and Canons, contrary to the King's Prerogative, &c. 1641.

They demurred because the Charge was General, but Receded from this Demurr, because it appeared to be particular.

E. Strafford.

Expresses the Words spoken by him, and the time. 1641. *Art.* 2.

20, 21, 22, 23, 24, 25, 27. Expresses the very Words spoke by him, 26. is in like manner, with an Inuendo of his meaning. *Art.* 4.

Arch-Bishop Laud.

10. Expresses the Words spoken by Him. 1642. *Art.* 1. 4.

12. Expresses the Words spoken by Him, and the Time and Place.

So *Necessary* did the long Parliament it self, think it, to pursue the Forms of Law in all their Prosecutions.

Upon the whole therefore, we humbly conceive that so great a Number of Precedents, is sufficient to outweigh, the single Instance of Dr. *Manwaring's* Case, how opposite soever it may seem to be to the present Case, which for the Reasons we have mentioned, is far from being Plain and Clear, or having the full Authority of a Precedent, and the Law and Custom of Parliament, as we conceive is to be determin'd by constant Course and Practice, and not one Precedent occasioned by so Odious Doctrines, as those of Dr. *Manwaring*; nor can the contrary Assertion to the aboveland Resolution, be of any ill Consequence to Impeachments by the Commons, because 'tis easie for them to Specifie the Words, which offend them; but extremely Difficult for the accused to defend himself, without knowing them; and as all who are charged Cri-

Criminally, have leave to make their Defence, so they should also have allowed to them all Lawful means for it.

Jo. Ebor,	*Yarmouth,*	*Leimpster,*	*North & Grey,*
N. Dunelme,	*Rochester,*	*H. London,*	*Willoughby Br.*
Sussex,	*Weymouth,*	*Leeds,*	*Craven,*
Scarsdale,	*Scarborough,*	*Thanet,*	*Osborne,*
Plymouth,	*W. Cestrien.*	*Anglesey,*	*Howard,*
R. Ferrers,	*Stawell,*	*Abingdon,*	*Guernsey,*
Beaufort,	*Conway,*	*Northampton,*	*Nottingham,*
Denbigh,	*Guildford,*	*Jersey,*	*Berkshire.*

After this it was order'd by the Lords, &c. That on *Thursday* next, they should proceed upon the Impeachment of *Henry Sacheverel,* Dr. in Divinity, Article by Article.

March 16th, Great Debate in the House of Lords about the First Article.

Accordingly, on the 16*th of* March, *it being moved to declare,* That the Commons had made good the First Article against Dr. *Sacheverell, a great Debate arose thereupon, (the Queen being present) and among the rest,* Dr. Burnet, *Lord Bishop of* Salisbury, *made a long Speech. Importing,*

Bishop of *Sarum*'s Speech.

THAT the Council for the Prisoner did so plainly and fully yield all that any Loyal Subject has ever pretended to, that in *Cases of extream Necessity Self Defence and Resistance were Lawful,* and that *this was the Case at the Revolution*; that it might not be necessary to say any thing further on this Head, if it had not been that the Evidence they brought seemed to carry this Matter much further, and that the Prisoner himself allow'd of no Exception, in Cases of Necessity. And since it was grown to be a vulgar Opinion, That by the Doctrine of the Church of *England*, all Resistance in any Case whatsoever, without Exception, is Condemn'd; He thought it was incumbent on him, who had examin'd this Matter long and carefully, to give their Lordships such a clear Account of this Point, as might as fully satisfie them as it did himself.

That

That he served in the Revolution, and promoted it all he could. He served as Chaplain to the Late King: He had no Command, and carried no Arms, but he was so far engaged in it, that if he could see that he had gone out of the Way in that (and the many Ups and Downs we have gone thro' since, has given much Occasion to reflect on that Transaction) he should hold himself unworthy to appear longer, either in that Habit, or in that Great Assembly: But should think himself bound to pass away the rest of his Life in Retirement or Sorrow. There being nothing more certain in Religon, than that we ought to repent of every Sin we have committed; and that we cannot truly repent, unless we repair and restore as far it is in our Power.

I go now, continued he, to give you the Account of the Doctrine of our Church in this Particular. In the Times of Popery it was a Tenet, built upon Bishops setting the Crown on the Heads of Princes, and anointing them, that they held their Crowns of the Church, and at the Pope's Mercy; who had for about 500 Years got into the Claim of deposing them, and giving their Dominions to others, in case they were Hereticks, or the Favourers of them. But the Reformation being in its first Beginning protected by the Princes of *Germany*, by the Kings of the *North*, and then by the Kings of *England*; they came every where in Opposition to the Papal Notions, to say that Kings had their Power from God: Not that they meant, that they had any distinct Authority besides the Law of the Land derived to them from God; but by that the Laws of God, the Authority of the Law of the Land, was secured to them. For when a different Authority from that of the Law came to be pretended to, and to be grounded on these General Expressions, that received here a Parliamentary Censure, and it was then declared that the Laws of Religion in the Scripture did only establish the several Constitutions and Governments that were in the different Parts of the World.

The Occasion that the Apostles had to write what we find in their Epistles, with relation to Government, was this; The Jews had a Notion among them from a Passage in *Deuteronomy*, that they were only to set a King over them, *One from among their Brethren, and not a Stranger*. From whence it is, That to this Day they do not think they are bound in Conscience to obey any Magistrate, who is not one of their Nation. Now the first Converts to Christianity being Jews, the Apostles took care that they should not bring this dangerous Notion with them into the Christian Religion: But they did not meddle to determine where this Authority was lodg'd, that was to be gather'd out of the

several

several Constitutions: They did not determine how much was due to the Emperor, and how much to the Senate: And tho' not long after those Epistles were writ, the Senate condemned *Nero* to dye, *More Majorum*, to be whip'd to Death; none of the Christians interposed in that Matter. He prevented that infamous Death by his own Hands: And the Primitive Christians reckon'd it one of the Articles of the Glory of their Religion, that their first Persecutor came to such an End.

Not long after that *Trajan* was fam'd for that memorable Expression, when he deliver'd the Sword to the Governours of the Provinces, as the Emblem of their Authority, he us'd these Words, *Pro me, si mereor in me*; For me, but if I deserve it, against me. That did not weaken his Authority: His good Government with that of his Successors for above 80 Years, being the greatest and happiest time the *Romans* had under their Emperors. This Word was put on King *James* the First's Coin in *Scotland*: It is true, that was during his Minority; but when he afterwards changed his *Motto*, the Coin was not call'd in, but continued Current till the Union.

The Primitive Christians had no Laws in their Favour, but many against them: So their patient Suffering so many Persecutions according to the Laws of the Empire, under which they liv'd, was conform to the Doctrine laid down by the Apostles. When they came afterwards to have the Protection of Laws, they claim'd the Benefit of them, not without great Violence, when they thought an Infraction was made on those Laws: Which broke out into great Tumults, in many of the chief Cities of the Empire, not excepting the Imperial City it self.

But, said he, to proceed with the History of our Church: When the Articles of Religion were settled, the Books of the *Apocrypha* were indeed declar'd not to be a part of the Canon of the Scripture, but yet to be useful for the *Example of Life, and the Information of Manners*. A great part of these are the Books of the *Maccabees*, which contain the History of the Jews shaking off the Yoke of the Kings of *Syria*, when they were broke in upon by a total Overthrow of their whole Law, and an unrelenting Persecution. *Mattathias* a private Priest began the Resistance, which was carried on by his Children, till they shook off the *Syrian* Yoke, and formed themselves into a free Government, under the Family of the *Maccabees*. It were easie to shew that the Jews had been for above 400 Years subject, first to the *Babylonian*, then to the *Persian*, and at last to the Grecian Empire: So that by a long Prescription they were Subjects to the Kings of *Syria*: It were

ware eaſie alſo to ſhew, that this Reſiſtance was ſtyled by *Daniel*, in Terms of High Commendation, and is alſo mentioned in the Epiſtle to the *Hebrews*, as the Work and Effect of their Faith. If then all Reſiſtance as illegal and barbarous Perſecution, is unlawful; theſe Books contain nothing but a Hiſtory of a Rebellion, and all the Devotion that runs through them, is but a Cant, and inſtead of reading them as *Examples of Life*, and *Inſtruction of Manners*, we ought to tear them out of our Bibles with Deteſtation. I ſhall afterwards ſhew what uſe was made of theſe Books, not only by private Writers of our Church, but by what the whole Body in Convocation was about to determine.

The next Step to be made, is, to conſider the Homilies: The Second Book of Homilies, which has the Homilies in it againſt *Wilful Rebellion*, is generally believed to have been compos'd by Biſhop *Jewell*, who was by much the beſt Writer in that Time. It is certain, he underſtood the meaning of them well: Now I will read you two Paſſages out of his Defence of his Apology for the Church of *England*; from whence we may clearly gather what his Notion of Rebellion was, and that he thought a Defence againſt unjuſt and illegal Violence was not Rebellion. In one place he has theſe Words;

The Nobles of Scotland *neither drew the Sword, nor attempted War againſt the Prince: They fought only the Continuance of God's undoubted Truths, and the Defence of their own Lives againſt your barbarous and cruel Inſolent: They vanquiſhed, beſides all other Warnings, your late Dealings at* Vaſſy, *where great Numbers of their Brethren were murder'd, being together at their Prayers in the Church, holding up their Innocent Hands to Heaven, and calling upon God.* In another place he writes, *Neither do any of all theſe (Luther Melanchthon) teach the People to rebel againſt their Prince: but only to defend themſelves by all lawful Means againſt Oppreſſion, as did* David *againſt* Saul, *ſo do the Nobles in* France *at this Day, they ſeek not to kill, but to ſave their own Lives.* He ſays, That theſe Paſſages ſhew that Biſhop *Jewell* looked on *Rebellion* to be a violent Riſing againſt a Prince executing the Laws, which was the Caſe of the Three Rebellions in *England* that they had in view: That in K. *Henry* the VIIIth's, in K. *Edward's*, and in Q. *Elizabeth's* Time, where the Papiſts took Arms againſt their Prince, who was executing Laws made in Matters of Religion, and that with a great Gentleneſs. That of the Eleven Paſſages quoted by the Priſoner out of the Homilies, Five plainly relate only to the *Coercing the Perſon* of the Prince, in which *David* is ſet in Oppoſition to thoſe Rebels now, tho' he indeed defended himſelf, yet he had a juſt and ſacred Tenderneſs to the Perſon of *Saul*, when he had him in his Power, which

is

is certainly Sacred by our Constitution. Five of them relate to Wicked Princes. That it was never pretended by any who pleaded for necessary Defence, that the bad Life of a Prince can be a just Cause of Resistance: Yet that was then pretended; for K. *Henry* VIII. had given too much occasion to reckon him a wicked Prince. So there was only one of all the Passages quoted from those Homilies, that relates simply to Rebellion in General: And it had appear'd what Bishop Jewell's Sense of the Matter was. That there was also a Prayer at the End of every Division of the Homily against *Wilful Rebellion*, (and by the by *Wilful* was not put in the Title for nothing) for those oppressed by Tyranny in other Parts, that they might be relieved, and that those who were in fear of their Cruelty might be comforted.

Let us next look, said he, thro' Q. *Elizabeth*'s Long and Glorious Reign, and see what was the constant Maxim of that Time.

The Year after the Queen came to the Crown, the War in *Scotland* broke out between the Queen Regent that Govern'd by Commission, from her Daughter then Queen of *France*, and the Lords in *Scotland*. She, to obtain the Matrimonial Crown to be sent to *Francis* the IId. gave Assurances for the Exercise of the Reformed Religion; but that Point being gain'd, she broke all her Promises, and resolved to force them to return to the Exercises of the Popish Religion: Upon which the Lords of *Scotland* formed themselves into a Body, and were called the Lords of the Congregation. Forces were sent from *France* to assist the Queen Regent; upon that Q. *Elizabeth* entred into an Agreement with the *Scottish* Lords, and sent an Army to their Assistance, which continued in *Scotland* till all Matters were settled by the Pacification of *Leith*: And in a *Manifesto*, that I have in my Hands, set forth 25 Years after that, I find Her reflecting on that Interposition in the Affairs of that Nation with great Satisfaction.

That the Year after this War was ended, upon *Francis* the IId's Death, *Charles* the IXth, who was a Child, succeeded in *France*. Edicts were granted in favour of the Protestants: These were soon after broken by the *Triumvirate*, and upon that follow'd a Series of Wars often pacified, but always breaking out again, by reason of the Violence and Cruelty of the Government. All these Wars, till *Henry* the IVth was settled on the Throne, were in a Course of 28 Years, that which some would call *Rebellion*, being carried on against two succeeding Kings. Yet the Queen was in all that time still assisting them with Men and Money.

That in the Year 1568. the Provinces in the *Netherlands* threw off the *Spanish* Yoke, that was become intollerably se-

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vete and cruel. The Queen for some Years assisted them more covertly, but when the Prince of Orange was kill'd, and they were in danger to be over-run, She took them more openly into her Protection; and by the Manifesto (which the Bishop of Sarum had in his Hands) She published the Grounds upon which She proceeded. She laid down this for a Foundation, That there had been an Ancient League not only between the Crown of *England*, and the Princes of the *Netherlands*, but between the Subjects of both Countries, under their Seals interchangeably, for all Friendly Offices. From hence his Lordship urg'd, That if this was a good Reason for the Queen's giving Aid to the Oppressed People of the *Netherlands*, then if the Case had been reversed, that the People of *England* had been illegally and cruelly oppressed, it furnished the Princes of those Provinces with as good a Reason for assisting them. That in this Assistance given the States, the Queen persisted till the End of Her Reign; nor was this only done by the Court, but both Parliaments and Convocations granted Her several Aids to maintain these Wars: And in the Preambles of those Subsidy Acts, the Queen's Proceedings in those Particulars were highly approv'd and magnify'd. *Bilson* Bishop of *Winchester*, and several other Writers in that time, justified what She did; and not one censured or condemned it.

That upon King *James*'s coming to the Crown, the first great Negociation was for a Peace between *Spain* and the *United Provinces*; which lasted several Years. The States insisted on a Preliminary, That they should be Acknowledged Free, Sovereign, and Independent States; the *Spaniards* would not yield to this, nor would the States recede from it. Some here in *England* began to say, They were Form'd in *Rebellion*, and ought not to carry their Pretensions too far: Upon that, King *James* suffer'd a Convocation to meet; and a Book of Canons, with relation to the Supream Authority, was prepar'd; in which, tho' the Authority of the Prince, even when he becomes a Tyrant, is carried very far; yet the Case of the *Maccabees* is Stated; and, it was determined, That when a new Government, tho' begun in a Revolt, is come to a thorow Settlement, it may be owned as Lawful. That King *James*, who was jealous enough of the Regal Authority, yet did not like their carrying these Matters so far: He order'd the whole Matter to be let fall so entirely, that there is not a Word of it in the Books of Convocation: But Archbishop *Sancroft* found this Collection of Canons at *Durham*, under Dr. *Overall*'s Hand, which he Copied out, and Licensed the Book a few Days before he fell under his Suspension. That he (the Bishop of *Sarum*) soon saw that it had a Relation to the Affairs in *Holland*: For the *Dutch* delighted to compare their first

first Beginnings to that of the Jews in Antiochus's time: They compared King Philip to Antiochus Epiphanes, and the Prince of Orange to Judas Maccabeus. But, added he, I saw much clearer into the Matter by an Original Letter of King James, which a worthy Gentleman sent me. I knew his Hand well, the Letter is in Print; but I will read some particulars out of it. It is Directed to Dr. Abbot, afterwards Archbishop of Canterbury. It begun with Censuring some Positions concerning a King in Possession, the same with our Modern Term of a King de facto: He goes on in these Words, My Reason of calling you together, was to give your Judgments, how fit a Christian and a Protestant King, may concur to Assist his Neighbours to shake off their Obedience to their own Sovereign, upon the Account of Oppression, Tyranny, or what else you like to name it. In the late Queen's Time, this Kingdom was very free in Assisting the Hollanders both with Arms and Advice; and none of your Coat ever told me, that any scrupled about it in her Reign. Upon my coming to England, you may know, it came from some of your selves to raise scruples about this Matter; yet I never took any notice of these scruples, till the Affairs of Spain and Holland forced me to it. I call'd my Clergy together, to satisfie not so much me, as the World about me, of the Justness of my owning the Hollanders at this time. This I needed not to have done, and you have forced me to say, I wish I had not. He reflects on those, who had a great Aversion to the Notion of God's being the Author of Sin, which plainly Points at Dr. Overall, who was the first Man of Note among us, that Opposed the Calvinists Doctrine of Predestination; yet he says, They had gone to the Threshold of it, by saying, That even Tyranny was God's Authority, and should be Reverenced as such. He concludes, These were edged Tools, and that therefore they were to let them rest. Here is a full Account of King James's Thoughts of this Matter, which was then the chief Subject of Discourse all Europe over. He had Twelve Years before this, Reason on an Eminent Occasion that he owned the States, when he Invited them in the Year 1593. to Christen his Eldest Son, Prince Henry. They were sensible of the great Honour done them by it; and tho' they were then but Low, they sent an Embassy, with a noble Present of Gold Plate, to Assist on that Occasion. This Negociation stuck for several Years, the Spaniards refusing to own them in express Words: The Temper found was, they were treated with (tanquam) as with Free States; and the Matter went no further at that time, than a Truce for Twelve Years, which was Concluded in the Year 1609. This lets us see, That the Words in King James's Speech that Year to his Parliament, were not chance Words that fell carelessly from him, A King leases to be a King, and degenerates into a Tyrant, as soon as he

he knows ofs to Govern by Law: In which case the King's Conscience may speak to him, as the poor Woman to Philip of Macedon, Either Govern by Law, or cease to be a King.

That there is another eminent Instance towards the End of that Reign, that shews what the Sense of our best Divines was in this Matter: When the Archbishop of York's Son and Mr. *Wadsworth* had changed their Religion in Spain, *Wadsworth* writ over a bold Defence of that; and among other Things, Charged the Reformation with Rebellion. This was answer'd by one of the best Books of that Time, writ by Dr. *Bedell*, Dedicated to the Prince of *Wales*, who afterwards Promoted him to a Bishoprick. His Words on this Head are full: *Do you think* (says he) *Subjects are bound to give their Throats to be cut by their Fellow Subjects, or to their Prince, at their mere Wills, against their own Laws and Edicts? You would know* quo jure *the Protestants Wars in* France *and* Holland, *are justified, First, The Law of Nature, which not only alloweth, but inclineth and inforceth every living Thing to defend it self from Violence. Secondly, That of Nations, which permitteth those who are in the Protection of others, to whom they owe no more than an honourable Acknowledgment, in case they go about to make themselves absolute Sovereigns, and to usurp their Liberty, to Resist and Stand for the same. And if a Lawful Prince, who is not yet Lord of his Subjects Lives and Goods, shall attempt to despoil them of the same, under colour of reducing them to his own Religion, after all humble Remonstrances, they may stand upon their own guard, and being assailed, resist Force with Force, as did the Maccabees under* Antiochus. *In which case notwithstanding, the Person of the Prince himself ought always to be Sacred and Inviolable, as was* Saul *to* David. Which Words wanted no Commentary, and so their Lordships saw how this Matter stood during King *James*'s Reign. That in the first Year of King *Charles*'s Reign, *Grotius*'s Book *de Jure Belli & Pacis*, was Publish'd at *Paris*, Dedicated to the King of *France*, while *France* was under the Administration of the wisest and most jealous Minister of the last Age, Cardinal *Richelieu*. That in that Book, in which he asserts the Rights of Princes with great Zeal, yet he enumerates many Cases, in which it is Lawful to Resist, particularly that of a *total Subversion*: And that Book is now all *Europe* over in the highest Reputation of any Book that the Modern Ages have produced. That in the Beginning of King *Charles*'s Reign, a War broke out in *France*, against the Protestants; upon which he sent over Ambassadors, by whose Mediation a Peace was Concluded; but that being ill kept, the War broke out again; and the King thought himself Bound by his Mediation to protect the Protestants. So in the Second Session of the Parliament

liament 1628. In the Demand of a Supply that the Lord Keeper *Coventry* made in the King's Name, these Words are to be found, France *is sway'd by the Popish Faction; and tho' by his Majesties Mediation, there were Articles of Agreement between that King and his Subjects, that Treaty hath been broke, and those of the Reformed Religion will be ruined without present Help.* Upon this the Commons petitioned the King for a Fast, and desired the Concurrence of the Lords, who join'd with them in it. The King granted it, and an Office was Compos'd suitable to the Occasion; in which among other Devotions, the Nation was directed to pray for all those, *who here, or else-where were fighting God's Battels and Defending his Altars.* Thus the whole Body of the Legislature did concur for a Fast for that, which if this Doctrine is true, was no better than *Rebellion*; and yet the whole Nation, *Clergy and Laity* were requir'd to Pray for Success in it.

That to compleat this View of the Doctrine of our Church, it is to be consider'd, That when a Year before this, while the Loan or Benevolence were carried on, some officious Divines made use of those Expressions of *Kings having their Power from God*, as importing an Authority of a Nature Superior to the Laws of the Land. One of these, Dr. *Mainwaring*, was Impeached, and had a severe Sentence passed on him for it. So that he had now made it out, beyond the possibility of Contradiction, that for 70 Years together, from 1558, to 1628, the Lawfulness of Self-defence in the Case of Illegal and Violent Cruelty, was the Publick and Constant Doctrine of this Church.

Adding, that as these were the best and happiest Times of our Church, as is often repeated by the Earl of *Clarendon*: From these we ought to take the Standard of our Doctrine.

I go next, continued he, to shew what was the common Doctrine for the next 60 Years, from 1628, to 1688. I must yield up the first twelve Years: For upon the unhappy Misunderstanding between the King and that Parliament, there was a long discontinuance of Parliaments; then the lately Condemned Doctrine was again in Vogue; and nothing was so much heard of, as the Law of Government that was from God, Antecedent to all human Laws: Out of this sprung illegal Imprisonments, illegal Monopolies, severe Proceedings in the Star-Chamber, but above all, the *Ship-Money*. These things put the Nation in an Universal dis-jointing and feebleness. And when an unavoidable necessity forced that King to call a Parliament, the fatal Effects of those Councels broke out terribly. I know many fancy, that the War is to be charged on the Principles of Self-defence: They are much

mistaken.

mistaken. I had occasion to see a great way into the Secret of that time, when I examin'd the Papers relating to the two Dukes of *Hamilton*. I knew a great deal more since from two Persons of unquestionable Integrity, who knew the Secrets of that time, the Lord *Hollis*, and Sir *Harbottle Grimstone*; but all receiv'd a full Confirmation, when I found it agreed perfectly with the noble Account given by the Earl of *Clarendon*.

No Body dreamt of a War, nor had they any Principles leading to it. But there was an unhappy Train of Accidents that hindred Matters from being brought to a Settlement, even while the King was granting all they could desire. Stories were carried by Persons about both the King and Queen, of words let fall, that made them conclude, there were still ill Designs on foot, against the Laws that were then passed. But that which brought all to a Crisis, was the Discovery of a Negociation, to engage the Army to Declare against the Parliament. Whosoever compares the Depositions in *Rushworth*, with the Account given of that Matter by the Earl of *Clarendon*, will see there is a great deal more in the one, than the other is willing to believe; tho' he acknowledges they had both *Goring*'s Evidence, and *Piercy*'s Letter with them. I will not take it upon me to determine, whether they believ'd too much, or the Earl of *Clarendon* too little. It is certain, they believ'd all that was in the Depositions, and a great deal more: For *Goring* being continued in the Government of *Portsmouth*, and his Father being advanced from being a Baron to be an Earl, and *Piercy*'s being made a Lord, and Master of the Horse to the P. of *Wales*, made them conclude they had suppressed a great deal, instead of saying more than was true. This stuck deep in their Hearts, and at last fatally broke out in the Demand of the *Militia*, that brought on the War, which I do own was plainly a *Rebellion*, because a Force was offer'd to the King, not to defend themselves from an unjust Invasion, or illegal Grievances, but to extort a new Law from him. Thus the true Occasion of the War, was a Jealousie, that a Conduct of 15 Years had given too much ground for; and that was still unhappily kept up, by a fatal Train of Errors in every step that was made. The great Confusion that the War gave the Nation, and the barbarous Effusion of so much Blood, especially of the Royal Blood of that Blessed KING, had at last a happy, tho' a late Conclusion in the *Restoration*: And it's no wonder, if such a Series of Tragical Events, begot a general Horror at the Occasion of them. But then it was, that had it not been for the Firmness of the Earl of *Clarendon* to his

English Principles, the Liberties of the Nation had been deliver'd up.

It is to his Memory, that we owe our being a free People; for he with his two great Friends, the Duke of *Ormond*, and the Earl of *Southampton*, check'd the forwardness of some who were desirous to load the Crown with Prerogative and Revenue. He stopt all this, which being afterwards odiously represented, brought on him that great and lasting, but honourable Disgrace. The Earl of *Southampton*, whose Death went a little before his Fall, and perhaps hastned it the sooner, said to many about him, that he was a true Protestant, and an honest *English-man*; and that the Nation would feel the Effects of his being removed, whensoever it might happen.

That Lord, in the great Settlement after the Restoration, would carry things no farther, than to repeal what had been extorted by the Tumults; and in the matter of the *Militia-Act*, and the Oaths relating to it, all was more cautiously worded, than is commonly understood. To the Word *Commission'd by the King*, some indeed moved, that the word *Lawfully* might be added, to make all plain. This was press'd in the House of Commons by *Vaughan*, afterward Lord Chief Justice of the Common-Pleas. The Attorney General, afterwards Lord Chancellor *Nottingham*, answer'd, That was *not necessary*; for the word *Commission*, imported it; since, if it was not Lawfully issued out, to Lawful Persons, and for a Lawful Reason, it was no *Commission*; and the whole House assented to this; yet in the House of Lords, the same word *Lawfully* was pressed to be added by the Earl of *Southampton*, who was answer'd by the Earl of *Anglesey* to the same purpose, with what had been said in the House of Commons. He indeed insisted to have the word added, because it would clear all Difficulties with many, who not having heard of the Sense given in both Houses, might fancy, that any sort of *Commission* being granted, it would not be Lawful to resist it. He did not prevail; for it was said, That this Explanation being the Sense of both Houses, it would be soon spread and known over the Nation. In this Sense, it is certain, that it is not Lawful to take Arms against any so Commission'd by the King; for that were to take Arms against the King's Commission in the Execution of the Law, which is certainly a resisting the Ordinance of God, *which whosoever do, they shall receive to themselves damnation.*

It was no wonder, if after such a War, the Doctrine of *Non-Resistance* was preach'd and press'd with more than ordinary Warmth, and without any Exceptions; yet some still kept their

thiſe in view; ſo did both Dr. *Falkner* and my ſelf; and I know many others had them always in their Thoughts, tho' they did not think it neceſſary to mention them.

I found, continued he, the ill effects, that the carrying this Matter ſo far, had on the Mind of that unfortunate Prince, King *James*; for in the Year 1673, when he was pleas'd to admit me to much free Converſation with him, among many other things, I told him, it was impoſſible for him to Reign in quiet in this Nation, being of that Religion; he anſwer'd me quick, Does not the Church of *England* maintain the Doctrine of *Non-Reſiſtance* and *Paſſive Obedience*? I begg'd of him not to depend on that; for there was a diſtinction in that matter, that would be found out when Men thought they needed it. I now come to tell your Lordſhips, how right I judged.

It is true, they paſs'd a very pompous Decree at *Oxford*, 1683. but you ſhall hear how long they ſtood to it. In Summer, 1686, the Prince of *Orange* was pleas'd to receive me into his Service with a particular Confidence. Soon after the Eccleſiaſtical Commiſſion was ſet up, and upon ſome Proceedings before that Board, he was deſir'd from *England* to break with King *James* upon that Head. I oppoſed this, and ſaid, I was convinced, that Commiſſion was againſt Law, and would have ill effects, but it did not ſtrike at the whole. This was more warmly preſſed upon the Proceedings againſt *Magdalen* College. I ſtill ſtood to my ground; and told both Prince and Princeſs, That if a Breach ſhould follow on theſe Matters, I could not ſerve. When indeed the Declaration was publiſh'd a ſecond time, with a Reſolution to have it carried through; and that many Laws were diſpenſed with at pleaſure; and Perſons who were under legal Diſabilities, were made Judges, Sheriffs and Magiſtrates; all whoſe Actings were ſo many Nullities: Then I thought here was a total Subverſion of our Conſtitution; which from being a Legal one, was made precarious, ſubject to mere Will and Pleaſure. So I was ready to ſerve in the Revolution.

Some Days after we came to *Exeter*, Sir *Edward Seymour* came thither; and he preſently ſent for me: When I came to him, he aſked me, Why were we a Rope of Sand, and had not an Aſſociation? I ſaid, Becauſe we had not yet a Man of his Weight to begin the Motion: He ſaid, If we had not one by to Morrow, he would leave us before Night. I preſently ſaw a *Noble Duke now in my Eye*, and acquainted him with this; He went to the Prince, who approving of it, an Aſſociation was prepar'd, and laid on the Table next Morning; and was after that Signed by all who came to wait on the Prince. Three days after we left

Exeter, a Head of a College came to the Prince, to invite him to come to *Oxford*, assuring him, that the University would declare for him. He went as near it as *Abingdon*, but then the sudden Turn of Affairs at *London* obliging him to hast up, the Association was sent thither, and was Signed by the Heads of the College, and many others there; some doing it in a particular Warmth of Expression, and saying, That their Hearts, as well as their Hands went with it. Upon what Disappointments or other Views, I cannot tell, *this Contradiction to their famed Decree*, five Year after it was made, seem'd to take another Turn back to it again; and the Notion of a King *de facto*, which is but *a softer Word for an Usurper* came in Vogue.

The Parliament, to prevent the ill Effects of that, studied to secure the Government, *First*, by an Association, and then by an Abjuration. I, who was always against every thing that might break in upon Conscience, was for making these only voluntary; but they were Enacted, and they were generally taken. A Noble Lord on the Earls Bench, procur'd me the Sight of a Letter, that went about to persuade the taking the Abjuration, that he had from a place where he believed it had its Effect; where I found this Distinction, That the Abjuring any Right whatsoever that the *Pretender* might claim, was only meant of a Legal Right, and that it had no Relation to *Birth-Right*, or to *Divine Right*. This agreed, with a Report that went then current, That a Person, in a great Post, sent a Message to an Honourable Gentleman, who would not take the Abjuration, that if he had an half Hours Discourse with him, he doubted not to be able to convince him, that he might take the Abjuration, without departing from any of his Principles. Towards the End of the last Reign, a bold Attempt was made on the King's Supremacy, by an Incendiary, who is supposed to have no small Share in this Matter now before your Lordships: But the Attack on the Supremacy being liable to a *Præmunire*, it was turn'd with much Malice, and manag'd with great Prevarication against the Bishops, who adhered firmly to their Duty to the King. How great a Disjointing that has brought on this Church, is too visible all the Nation over, and it tends to carry on the wicked Design of distracting the Church, and undermining the Government.

By the time the Queen was on the Throne, or soon after the *Rehearsal* began to be spread over the Nation, two of them a Week, which continu'd for several Years together, to be Publish'd without Check or Controul; It was all thro' one Argument against the Queen's Right to the Crown; that, tho' it was diversified with Incidents and Digressions, was

kept

kept always in View. The Clergy were in many Places drawn into Subſcriptions for this Paper. This look'd like a Deſign long conniv'd at. to have the Queen's Title undermin'd: Beſides this, we had a Swarm of Pamphlets every Year to the ſame Purpoſe, and, as was believed, writ by the ſame Hand. One ſold at the Door of the Houſe, with the Title of King *William's Exorbitant Grants*, did plainly call him an Uſurper; and ſtarting an Objection againſt the Queen's poſſeſſing the Throne, gave it this Anſwer, That ſhe did well to keep it till ſhe could deliver it up to the Righteous Heir. At that time there was a quick Proſecution of a Paper publiſh'd, with the Title of *The Shorteſt Way with the Diſſenters*; and upon that, I brought that Pamphlet to a great Miniſter, and offer'd to ſhew him this Paſſage in it, to ſee if there ſhould be a Proſecution of this Order'd. He turned from me; ſo whither he heard me or not, I cannot tell: I am ſure, if he ſays he did not, I will believe him. No Proſecution follow'd, and the Rehearſal went on. The Clergy in many Places, met at a Coffee-Houſe on *Saturdays*, to Read the Rehearſals of the Week, which had very ill Effects in moſt Places. I know it may be ſaid, That the Queen's Learned Council ought to have look'd after theſe things: But we all know, that they ſtay till they receive Orders from the Miniſtry. The Courſe of that Treaſonable Paper has been now for ſome time ſtopt, ſo we ſee there is ſome Change in the Miniſtry.——

But to compleat the Inſolence of the Enemies of the Queen and of the Proteſtant Succeſſion; they had the Impudence to give it out, That the *Queen ſecretly favour'd them*: And as this, we all know, has been long whiſper'd about among us, ſo it was more boldly given out in *Scotland*, which oblig'd one of the Queen's Miniſters in that Parliament, in a Speech that was Printed, to contradict this treaſonable and diſhonourable Suggeſtion, that as ſome Divines would have it, that there was in God a Secret, as well as a Reveal'd Will, and that theſe might be contrary to one another; ſo they would faſten an Imputation on the Queen, that while ſhe reveal'd her Will one way, ſhe had a ſecret Will another way; which he ſolemnly affirmed to be falſe, and highly Injurious to the Queen.

While the Pamphlets and theſe Reports were thus ſet about, Mr. *Hoadly* thought that it became him to aſſert the Queen's Title, by juſtifying the Revolution, out of which it riſes. But what an Outcry was rais'd on this, that one durſt diſturb the Progreſs of a wicked Opinion, that was viſibly deſign'd to overturn the Government? And yet he aſſerted nothing, but what the Council for the Priſoner did all fully and plainly own, That in the Caſes of extream Neceſſity, an Ex-

Exception to the Doctrine was to be admitted, and that that was the Case at the Revolution.

But as these Notions have been long let run among us; so they have appeared in a most violent and unguarded Manner, ever since the Attempt of the Pretender, and more of late, since the Preliminaries upon the Overtures for a Peace, seems to extinguish their Hopes. What Sermons on this Head are preach'd in this City, at Assizes, at *Bath*, and at many Cathedrals. Furious Men fit themselves with some hot Sermons, which they carry about from place to place, to poison the Nation. This has not only the visible Effect designed by it, of shaking many in their Allegiance to the Queen, and in their adhering to the Protestant Succession; but it has a cursed Effect on many others, on whom this their Design does not succeed.

I am very sensible there is a great deal of Impiety and Infidelity now spread thro' the Nation: This gives every good Mind all possible Horror; but I must tell your Lordships, on what a great Part of it is founded; for since my Conversation with *Wilmot*, Earl of *Rochester*, I have had many Occasions to discourse with Persons tainted with those wicked Principles, and I do affirm it, that the greatest Prejudice these Persons have at Religion, at the Clergy, and at the Publick Worship of God, is this, that they say, They see Clergy-men take Oaths, and use all Prayers, both Ordinary and Extraordinary for the Government, and yet in their Actings and Discourses, and of late in their Sermons, they shew visibly that they look another way; from whence they conclude, They are a Mercenary Sort of People without Conscience.

I hope there are not many that are so corrupted and so scandalous: I am sure I know a great many that are far otherwise, who Preach, Speak and Act as they Swear and Pray; but those who act in another way, are Noisie and Impudent, and so bring an Imputation on the whole Body; and unless an effectual Stop is put to this Distemper, it is not possible to foresee all the ill Consequences that may follow upon it.

I have, (said he in the Conclusion,) I am afraid, wearied your Lordships; but I thought it was necessary, once for all, to enlarge copiously on this Argument: And now to come close to the Article, and the Sermon, for I meddle not at all with the Person of the Man; Whatever general Expressions might very well have been used, in setting forth *Passive Obedience* and *Non-Resistance* before the *Revolution*, because odious Cases ought not to be supposed, and therefore are not to be named; yet since *Resistance* was used in the *Revolution*, and that the late King invited all the Subjects to join with him,

which

which was in them certainly Resistance; and since the Lawfulness of the *Revolution* is so much controverted, the condemning all *Resistance* in such crude and general Terms, is certainly a Condemning the *Revolution*: And this is further aggravated from those Limitations on our Obedience, in an Act past soon after the *Revolution*, by which, in Case our Princes turn *Papists*, or marry *Papists*, the Subjects are in express Words, discharg'd from their Allegiance to them. Certainly this puts an End to the Notion of *Non-Resistance* in any Case, or on any Pretence whatsoever: For these Reasons, I think the first Article of this Impeachment, is both well grounded, and fully made out.

The Lord Bishop of *Oxford* made also a remarkable Speech on the same side, Importing,

The Bishop of *Oxford*'s Speech.

THAT some of that Bench were peculiarly call'd up by words which fell from the Noble Lord who spake third in this Debate, who was pleas'd to mention among other strange Things, *Bishops Voting contrary to their Doctrines*. That the Opinions of several of the Reverend Prelates had been read before their Lordships in *Westminster-Hall*: They were first quoted by the Counsel for the Defendant, and by their Order read in such a partial and unfair manner, that if he might be allow'd to use any other Author after the same way, to take a naked Proposition out of his Book, and not consider the Coherence or Dependance of the Words how it may be explain'd or limited in other Places, to read just so far as may serve his Purpose, and stop when any thing follows that may set the Matter in a just Light, He durst undertake to make any Author speak on which-ever side of the Question he pleas'd.

But the *Managers* for the Honourable House of Commons did Justice to those Reverend Prelates by obliging the *Clerk* to read other Passages in their Books, which clearly explain'd their Opinions; and so the only Purpose that was eventually serv'd by producing those Quotations, was that which he fear'd was not intended, the vindicating those Reverend Prelates from the uncharitable Imputation of having asserted a *Doctrine* in their *Writings* which they had contradicted by their Practices, in relation to the *Revolution* and the Government founded upon it.

That he hop'd to be able to reconcile the Vote which he should give, with the Opinion which he had always been of, and which having not been produced below, he flood up to give it their Lordships here, being far from censuring, far from entertaining the least disrespectful Thought of any that should differ in Opinion from him.

He own'd the Subject now in debate, was a matter of great Conſequence, and of great Nicety and Tenderneſs; and that he, who ſhould preſume to entertain their Lordſhips upon it, ought to be better qualified, and better prepar'd than he was in other Reſpects, but he would give place to none in thoſe that follow'd, *viz.* in delivering himſelf with that Reſpect and Deference which is due to that Houſe, that humble Diffidence which becomes a juſt Conſciouſneſs of his own Weakneſs, and that Plainneſs and Sincerity which becomes that Character, which however unworthy of it, he had the Honour to bear; and then he was ſure he might depend upon their Lordſhips known Candor, Honour and Juſtice, that if any thing ſhould fall from him leſs correct, or leſs guarded than it ought to be, it ſhould receive the moſt favourable Conſtruction that it was capable of. That before he deliver'd his Opinion, he beg'd leave briefly to ſtate the Queſtion, and in order to that to lay down Two Premiſſes.

1. That Government in general, was in its original Inſtitution, deſign'd for the Good of the whole Body; Men were not form'd into Societies, only to be the Subjects of the arbitrary Wills, the ſlaviſh Inſtruments in the gratifying the Ambitious or other corrupt Deſigns of any one or more Men; but for the Safety and Proſperity of the whole Community.

2. That in the Holy Scriptures (as far as he could find) there is no Specification of any one particular Form of Government to which all Nations and Bodies of Men, in all Times and Places ought to be ſubject; nor are there ſuch exact Accounts of the extent of the Power of the Governour or Obedience and Submiſſion of the Governed, as can reach to all Caſes that may poſſibly happen.

Then he urg'd, that there are many general Precepts requiring the Obedience and Submiſſion of Subjects to their Governors: *Let every Soul be ſubject to the Higher Powers; you muſt needs be ſubject not only for Wrath, but alſo for Conſcience-ſake; He that reſiſts, reſiſts the Ordinance of God; And ſubmit your ſelves to every human Conſtitution for the Lord's ſake*, &c.

But yet theſe Scriptures do not tell us how far we muſt obey and be Subject, nor do they neceſſarily imply that there can never be any Caſes wherein we may not obey and not be ſubject, but reſiſt; becauſe there are other Places in Scripture, where other Duties are required in Terms as large and general as theſe, nay in univerſal Terms, which yet muſt admit of Exceptions. That ſome of the moſt zealous Contenders for the *Abſolute Power of the Prince*, and *unconditional Subjection* of the Subject, found themſelves very much upon the Fifth Commandment, *Honour thy Father and Mother*, which they expound as comprehending Political as well as natural Parents,

and

and he did not gain-say it: But then pray, my Lords, continued he, let us see in what Terms the Duty of Children to their natural Parents is required in Scripture: *Children*, says the Apostle, *obey your Parents in all Things*; This Expression is surely universal enough; and from hence according to some Mens Reasoning, it must follow, if Children must obey their Parents in all Things, then they may resist in none. But will any Body say, that notwithstanding the Universality of this Precept, there may not be some Exceptions and Limitations understood, both as to the *Active* and *Passive* Part of the *Child's Obedience*? As to the *Active*, no one will deny, but the Command must be restrain'd to *Licits & Honests*; they are not to obey in all Things absolutely, but in all Things that are Lawful and Honest. And as to the *Passive* Part of the Child's Obedience, the *Submission* or *Non-resistance* requir'd, permit me to put a Case. Suppose a Parent in a *Phrensy*, in a fit of *Drunkenness* or *Passion*, draws his Sword and attempts to kill his innocent Son, and the Son has no way to escape from him; is he oblig'd by this Duty of *not Resisting*, to stand still and let his Father sheath his Sword in his *Bowels*? May he not, tho' he must still have a care of his Father's Life, defend his own? May he not put by the Pass, grapple with his Father, and disarm him if he can? My Lords, surely he may; That prime Law of Nature, of *Self-Preservation*, will justify him in it: And then why may not the same Law of *Self-Preservation* justify the Political Child, the Body of the People, in defending their Political Life, *i. e.* their *Constitution*, against plain and avow'd Attempts of the Political Parent utterly to destroy it? And it is upon this Point only that I shall state the Question.

He did allow, that in all *Governments* whatsoever there is an absolute Power lodg'd somewhere. With us, as he humbly conceived, that Power is lodg'd in the Legislature; for which he had the Authority of a great Politician and Statesman, Sir *Thomas Smith*, who was *Secretary of State* to two Princes, K. *Edw.* 6. and Q. *Eliz.* who in his Book, *De Republica Angl.* a Book seen and allow'd as is said in the Title Page, in that *Chapter* where he treats of our Parliaments and the Authority thereof, lays down this Assertion, *The most high and absolute Power of the Realm of* England *consisteth in the Parliament*; and giving particular Instances of that Power, among others mentions this, *That the Parliament gives Forms of Succession to the Crown*. He *insisted*, that the Executive Power with us is lodg'd with the Prince; and he did readily allow that the *Prince so vested with the Executive Power*, and all others lawfully Commission'd by him, Acting according to their Commission, and within those Laws, with the Execu-

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tion whereof he and they are reſpectively truſted, are *Irreſiſtible*: The Perſon of the Prince is always inviolable: No perſonal Faults in him; no Injuries to particular Perſons, where they can have no Redreſs by Law, as in ſeveral Caſes they may have; no general *Male-Adminiſtration*, whereby the Publick may be greatly hurt, can juſtify any forcible Reſiſtance of his *Subjects*; nor any thing leſs than a *total Subverſion of the Conſtitution*. But if in a legal Monarchy, where ſuch *Laws* have been enacted by common conſent of Prince and People, as are to be *the Meaſures of his Government* as well as of their *Obedience*, that limit his Power as well as ſecure their Rights and Properties, the Prince ſhall change this Form of *Government* into an abſolute *Tyranny*, ſet aſide thoſe Laws, and ſet up an *Arbitrary Will* in the room of them; When the Caſe is plain, and when all *Applications* and *Attempts* of other Kinds prove unſucceſsful; If then the *Nobles* and *Commons* join together in Defence of their *Ancient Conſtitution*, *Government* and *Laws*, he could not call them REBELS. And deſired their Lordſhips to allow him to lay before them a few Things in Maintenance of what he had advanc'd. And he would humbly offer ſome Facts, which he allow'd did not directly prove what he had ſaid to be true, but they did prove it to have been the Opinion of our Princes, Parliaments, Clergy and People in the Reigns of thoſe three great Princes, Q. *Eliz.* K. *James* and K. *Charles* I. He meant the *Aſſiſtances* which thoſe Princes gave to the Subjects of other Countries that were reſiſting their reſpective Princes; and to enable them to do ſo, they had *Subſidies* given them in *Parliament* and *Convocation*——, and there were Prayers compos'd and uſed for the Succeſs of their Arms.

That ſurely, if thoſe *Princes*, *Parliaments*, *Clergy* and *People*, had been of Opinion, that the *Reſiſtance* of Subjects againſt their Princes, was in no Caſe lawful, but always damnable *Rebellion*; they would never by aiding and aſſiſting ſuch *Rebels* have involved themſelves in the Guilt, and expos'd themſelves to the dangerous Conſequences of ſuch a Sin. That he mention'd not the particular Stories, becauſe they were better known to their Lordſhips than to him, and becauſe he doubted not but in the Courſe of this Debate, ſome *Lord* or other would give a larger *Account* of them; but he could not forbear obſerving one thing relating to that Aſſiſtance, which that Pious Prince, and now Glorious Saint in Heaven, King *Charles* the Firſt, gave to the *Rochellers*, who were ſurely the Subjects of the King of *France*; he order'd a *Faſt* by *Proclamation*, and appointed a *Form of Prayer* to be drawn up for the Imploring of God's Bleſſing. That it was highly probable, that Biſhop *Laud* had the great Hand in compoſing thoſe

Prayers,

Prayers, he being then Bishop of *London*, and in great Favour, and the Arch-bishop of *Canterbury*, *Abbot*, at that time in Disgrace. But whoever compos'd them, he begg'd leave to read part of one of the Collects in that Office. *O Lord God of Hosts, that giveth Victory in the Day of Battle, and Deliverance in the time of Trouble, We beseech thee to strengthen the Hands, and encourage the Hearts of thy Servants in fighting thy Battles and defending thy Altars that are among us, and in all the reformed Churches.* That it seems the reformed Churches were thought to have God's Altars among them then, however they have been villify'd since. But that which he would observe from this Passage was this, That neither that excellent King who commanded those Prayers to be composed, nor the Bishops who compos'd them, nor the Clergy and People who us'd and join'd in them, could in so solemn a manner have recommended those Forces to the Divine Protection and Favour, and as such as were *fighting Gods Battles*, if they had thought they were fighting against God in his *Vice-gerent*, and as *defending his Altars* if they believed they were resisting his Ordinance.

2. That he could produce several Authorities in support of what he had laid down, but he should mention but one, out of a Book written professedly on this Subject, in Q. *Elizabeth*'s Time; that every one that is acquainted with the History of Her Reign knows what Attempts were made by the *Pope* and his Party against her *Government* and *Life*, by Excommunicating, Deposing Her, Absolving Her Subjects from their *Allegiance*, by raising *Tumults* and *Insurrections*, by *Dagger*, *Poyson*, and what not: And 'tis certain, that they were these wicked Practices of the *Pope* and his Followers, and the Doctrines by which they justify'd them, that the *Compilers* of the *Homilies* which were then made, and other Authors who then wrote about the *Power* of the Prince and the *Duty* of the Subject, had principally in their View: That the Book he means, is intituled, *The true Difference between Christian Subjection and Unchristian Rebellion*, written by way of *Dialogue* between a Christian, whom the Author calls *Theophilus*, and a Jesuit whom he calls *Philander*. That *Theophilus* the Christian says, *I hope not my self in other Mens Commonwealths as you (the Jesuits) do, neither will I rashly pronounce all that resist, to be Rebels: Cases may fall out even in Christian Kingdoms, where the People may plead their Right against their Prince, and not be charged with Rebellion.* *Philander* the Jesuit asks, *as when for Example?* *Theophilus* the Christian replies thus. *If a Prince should go about to subject his Kingdom to a Foreign Realm, or change the Form of the Commonwealth from Empery to Tyranny, or neglect the Laws established by common consent of Prince and People, to exe-*

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cute his own Pleasure; in these and other Cases, which might be named, if the Nobles and Commons join together to defend their ancient and accustom'd Liberty, Regiment and Laws, they may not well be accounted Rebels. That this Book is said, in the Title Page, to have been perused and allowed by publick Authority; was written by a great Man, Dr. *Bilson* then Warden of *Winchester* College; Printed at *Oxford* by the University Printer and Dedicated to Q. *Elizabeth*; and the Author was afterwards made Bishop of *Winchester*. That he could offer many other Authorities not from false *Sons* or *perfidious Prelates* of the Church, not from Men of *Factious* and *Antinomarchical* Principles in relation to the *State*, but venerable Names, *Ornaments* to the Ages they liv'd in, and such as will be remembred with Honour in succeeding ones: But he was superseded in producing, and their Lordships trouble saved in hearing more particular Quotations to this Purpose, by what was yielded by a Reverend Divine of great Parts and Learning, far enough from the Suspicion of being prejudic'd against the Rights of Princes, or partial to those of the People, he meant the Reverend Dean of *Carlisle*, who in a Latin Discourse Preach'd and Printed in this Town upon the *Duty of Submission*, stating some Cases of extreme Necessity, and putting the Question, *Whether it may not be lawful for the People in such Cases to resist?* answers, *Viri boni & graves, &c. That Good and Judicious Men, Men that have taken great and useful Pains in defending the Rights of Princes, and repressing popular License, have contended that it is Lawful:* He adds indeed, *whether they have done Right or Wrong, let others judge, and does not give his own Opinion.* But since he had granted, that such Men as he had described, *Men of Probity and Judgment, zealous Assertors of the Rights of Princes, and Repressors of popular License*, have contended that in *Cases of extreme Necessity, it is lawful for the People to defend themselves*; he might comfort himself, if he err'd in his Opinion, that he err'd in good Company. But he humbly conceived he did not err, and that, 3. For this plain Reason, That *if it be utterly unlawful to Resist* in any Case whatsoever, even that of a total Subversion of the Constitution and Laws; *then there is no distinction of Governments*, of *Absolute*, he meant, *and Limited*; *or if there be a distinction*, it is a *nominal* one without any real difference; for what difference is there between a Prince's governing Arbitrarily without Law, and governing Arbitrarily against Law? Betwixt having no Laws at all, and having precarious Laws that depend intirely on the Will of the Prince, whether he will observe one of them or subvert them all, and if he does, the People cannot help themselves? But he hoped and believed that there is *a real distinction of Governments*, and that

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the Subjects of all Governments are not in the same wretched Condition that those of *France* and *Turkey* are in. He hoped we have not boasted falsly or vainly of our own Form of Government, that we are bless'd with a Constitution more happy than any other Nation in the World enjoys, that allows and secures as great, and (he had almost said) God-like Powers and Prerogatives to the Crown as any wise and good Prince can desire, a Power of doing every thing that is Good and nothing that is Ill, and at the same time secures most valuable Rights and Privileges to the People.

What wise or good Prince, (added he) would not rather chuse to reign over free Subjects, than tyrannize over Slaves? to receive a willing cheerful Obedience proceeding from the Principles of Gratitude, Love, and Interest as well as of Duty, rather than a forced one, owing meerly to a Principle of Fear, the Principle from whence the *Indians* worship the Evil Spirits? My Lords, such a Frame of Government your Lordships have receiv'd from your Ancestors; and I hope and trust, that in grateful Respect to their Memory, and in tender Regard to your Posterity, [I say nothing of *our selves*, my Lords; for as for us who have the Happiness to live under the Government of the best of Princes that ever Heaven bless'd a Nation with; for us, I say, were our Government as Arbitrary as any in the *East*, yet I should think our Rights, Liberties, and Properties, and whatever is most dear and valuable to us, as safe as if they depended intirely upon Her Majesty's Gracious Will, as they are now they are secured to us by our Laws, or stronger Fences, if they could be made] but I speak in regard to those that are to come after us; and I do hope and trust, that as your Lordships have receiv'd such an inestimable Treasure from your Predecessors, you will transmit it inviolable to your Posterity.

That he feared he tired their Lordships, but he must beg their Patience a little longer, while he express'd his Surprize and Wonder that the Doctrine of *Passive Obedience* and *Non-Resistance*, in the unlimited Extent in which some explain it, was so diligently inculcated, and so zealously press'd at this Time. That *Passive Obedience*, he own'd, when truly stated, is a truly Christian Duty, a *perpetual Duty* as to *the Obligation*, *but occasional* as to *the Practice of it*. That Preachers do not usually, neglecting the pressing of other Duties of more constant Practice, lay out their Time and Labour in filling both Pages of their Discourses with earnest Assertions and violent Exhortations to the Practice of an Occasional Duty, unless they have some near Prospect of an occasion for the Exercise of it. And yet, my Lords, continued he, has this one Duty been, of late, more frequently and earnestly asserted and urged

ged both from Pulpit and Press, than all the other Duties of Christianity: And what occasion for this does any one pretend to have in View? Can there be a Wretch so abandon'd, so lost to all Sense of Gratitude and every thing that is good, as to be capable of admitting a Thought, that our gracious Queen has done, is doing, or intending to do any thing, that may give her Subjects occasion for the Practice of this Duty? Has she not ever since her happy Accession to the Throne, postponed, sacrificed her own Repose and Ease to the Quiet and Happiness of her Subjects? Has she not clearly shown that she has nothing so much at Heart, as the Good and Prosperity of her People, the true Interest and Honour of Her Kingdom, which she has carried higher than any of her Royal Predecessors ever did before her? Has she not approv'd Her self a true Parent of Her Political Children, by exercising as prudent a Care of, and expressing on all Occasions as tender an Indulgence to them, as any natural Parents ever did towards theirs? If then there be no Occasion from the Conduct of our Prince, is there any Reason from the Behaviour of Her People that may justifie this extraordinary, and otherwise unseasonable Zeal for this Doctrine? Do the (excepting such as the Zealots for this Doctrine have excited to disturb her peaceful Reign at home, by rebellious and dangerous Tumults and Insurrections,) shew any Uneasiness under Her Majesty's Government, or Inclinations to throw it off? Do they not bless their Glorious Queen and God for her? Do they not on all Occasions express their grateful Sense of the many inestimable Blessings they enjoy through her Administration? Do not they constantly offer up their devout Prayers to God for her long Life and happy Reign? Do they not willingly pay their Taxes for the Support of her Government, chearfully expend their Treasure and Blood too in Defence of it? What then can be said for such a Conduct which can have no other natural Tendency than to create unreasonable Jealousies of her People in the Head of our Queen, and groundless Fears of their Queen in the Hearts of her People. Jealousies in the Queen, that her Subjects are inclinable to rebel against her, when the Clergy think it necessary thus to press their Restraints upon them; and Fears in the People, when their Pastors are so industriously preparing them for Sufferings?

He added, That he would not be thought to charge upon all that hold and assert this Doctrine, the Consequences which he might with too much Reason charge upon some of them; he meant such as did not allow Her Majesty's Title to the Crown, but refused to take the Oaths to Her, or join in Prayer for Her, and had upon that account form'd one of the most *unaccountable Schisms* that ever was made in the Church:

Church: That some of these had engaged zealously in asserting this Doctrine; and one of them in a Paper written in Vindication of it, had not been afraid to insinuate a Parallel between the Case of *Her Majesty* and *the Pretender*, and that of *Athaliah* and *Joash*.

Horrid Suggestion that would make one tremble! What do these Men mean? Any Service to Her Majesty? No: The Consequences as to them are plain. If to Resist upon any Occasion whatever, be unlawful, be *Rebellion*, *damnable Rebellion*; then the *Revolution was Rebellion*, and all that were concern'd in it are involv'd in that Guilt; then we have continued in a *Rebellion* ever since; then if we would avoid Damnation, we must repent of that Sin; but there is no true Repentance without Restitution, and if there must be Restitution, they will tell you what that is.

That he would charitably hope, that the unfortunate Person now in Judgment before their Lordships, did not intend to carry Matters so far: But he must say, his Doctrine as he had stated and managed it, under his Head of *False Brethren*, with relation to the State, did give too great a Handle for those that had such Views, to improve what he had said to their Purposes. That the Council for him had labour'd to defend him against the Charge in this Article, by producing a great many Quotations out of the *Homilies*, *Statutes*, and *Writings* of Divines, dead and living, wherein this Doctrine has been laid down generally. But they all allow'd that Cases of extream Necessity were always excepted out of this General Doctrine; and that tho' the Exception was not express'd, yet it was always imply'd; And they allow'd further, that the Case of the Revolution was a Case of such Necessity: But how did they apply this to the Case of their Client? Thus: They said, that those Divines whom they had quoted, were never found fault with for asserting the Doctrine in general Terms, not expressing but tacitly implying the Exception; Then they ask'd why should the Doctor be charged for asserting the Doctrine in General Terms as others had done, not expressing the Exception which they had not express'd? Why should not he be intitled to the favourable Construction of tacitly implying the Exception of Cases of Necessity, such a Necessity as they allow'd justify'd the Revolution? That indeed he should readily have admitted the Plea, if the Doctor had done no more than barely assert the Doctrine in general Terms, and his only Fault had been that he had not express'd the Exception which he tacitly imply'd: But (added his Lordship) has he done no more than this? Has he not mention'd the *Case of the Revolution*, with no other View, as I can see, than to expose it,

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not as an Exception out of his general Position, but an Objection against it? *Our Adversaries*, says he, that is, those that oppose his General Doctrine, *think they have us sure, i. e.* effectually confute that Doctrine, *by objecting the Revolution.* This Objection must suppose that there was Resistance at the Revolution; for to say that the General Doctrine, that it is not lawful in any Case to resist, is not true, because the Revolution was lawful, in which there was no Resistance, would be a wonderful Objection indeed: I say, Resistance must be suppos'd in the Objection, to make Sense of it. How then does he solve this Objection? Does he say the General Doctrine always implies an Exception of Cases of Necessity? that the Revolution was a Case of such Necessity, and therefore that Necessity justify'd the Resistance at the Revolution? No, but by advancing a strange Position (which he proves by as strange a Medium) *viz. That there was no Resistance at the Revolution:* plainly implying, that if *there was Resistance at the Revolution*, which every Body knows there was, *the Revolution stands condemn'd* by his General Doctrine. So that I cannot see that his Learned Council, who wanted neither Abilities nor Inclinations to serve him, have at all defended him against the Charge in this Article. But this they have effectually done, they have given up his General Doctrine, if it admits of no Exceptions; and thereby clear'd the Revolution and the *necessary means* whereby it was brought about, from those black and odious Colours which he endeavour'd to cast upon them.

That after all, he could truly appeal to his own Heart, and a greater than it, the Searcher of it, that he was not any ways prejudiced against the Person of the unhappy Prisoner, but rather in favour of him, as he was of all Men in his suffering Circumstances, by a natural Tenderness (it may be a Weakness, but such a one as he could not help) which never suffer'd him, however oblig'd in Justice to it, to do a hard thing to any one however deserving it, without doing at the same time a hard thing to himself: And if their Lordships should be of Opinion in the Conclusion of this Trial, That the Commons had made good their Charge against him, he was sure he could come into as easy a Sentence upon him as might be consistent with the Honour and Justice of their Proceedings, and with that which he took to be the chief End in all Punishments, *not so much the hurting the Offender, as the preventing the like Offences*, and hindring others from committing them for the future. But that still there was surely a Tenderness and Compassion due to our Queen, our Country, and our Posterity, all which he humbly apprehended were highly concern'd in the Issue of this Affair.

That

That if Clergy-men may with Impunity publickly in their Sermons arraign and condemn the Revolution; besides the Reflections they cast upon all the worthy Patriots that were concern'd in that great Work, the Commonalty, Gentry, and Nobility, Lords upon every Bench in this House; besides this, it must shake and sap the very Foundation of our present Establishment as it stands upon the Foot of the *Revolution*, and utterly destroy our *future Hopes* in the *Protestant Succession*, which is founded upon that bottom only.

My Lords, (said he in the Conclusion) I must humbly ask Pardon for having trespass'd so long upon your Patience, and will conclude with this one Word, That in my Opinion, *these practisings of Clergymen* (to use the Expression of a great and eminent Prelate) *in State Matters, are of that dangerous Tendency and Consequence, that if there be not some effectual Stop put to these Practisings, these Practisings will, in time, put an effectual End to our Constitution.* The Commons had therefore Reason to bring this Matter in Judgment before your Lordships, and I think they have fully made good their Charge in the first Article of their Impeachment against Dr. *Sacheverell.*

Several other Peers, particularly the Earl of *Wharton*, the Duke of *Devonshire*, the Lord Chancellor, and the Lords *Sommers* and *Halifax*, spoke in Vindication of the late *Revolution*; maintain'd that in extraordinary Cases *Resistance* is *necessary* and *lawful*; and concluded that the Commons had made good the first Article. The Archbishop of *York*, the Dukes of *Leeds* and *Buckingham*, the Earls of *Nottingham*, *Rochester*, and *Anglesea*, the Lords *Gerrard*, *North* & *Grey*, and *Carmarthen*, and the Bishops of *London*, *Rochester*, and *Bath* & *Wells*, who spoke on the other side, declared they never *read such a piece of Madness and Nonsence*, (as Doctor *Sacheverel*'s Sermon Preach'd at St. *Paul's*) *but did not think him guilty of a Misdemeanour*: The Earl of *Anglesea* adding, *He never knew* Nonsence *to be a Crime.* The D—— of L———, who made a very long Speech, own'd he had a great share in the late *Revolution*, but said he never thought things would have gone so far as to settle the Crown on the Prince of *Orange*. The Bishop of *Bath* & *Wells* allow'd what the Bishop of *Oxford* had advanc'd about the Necessity and Legality of *Resistance in extraordinary Cases*; but was of Opinion that *Doctrine* ought to be kept from the Knowledge of the People who were naturally too too apt to *Resist*; and that the opposite *Doctrine* ought rather to be maintain'd and inforc'd.

After a long Debate this Question was propos'd,

That the Commons have made good their first Article of Impeachment against *Henry Sacheverell*, Doctor in Divinity.

And after further Debate thereupon:

The Question was put, whether this Question shall be now put.

Which was Resolved in the Affirmative.

Dissentient,

Because we humbly conceive, there are no Reflections therein contained on the Memory of the late King *William* not the *Revolution*, and that there is no Offence charged therein upon Doctor *Sacheverell*, against any known Law of the Land.

Hamilton,	*Rochester*,	*Lexington*,	*Anglesey*,
Suffolk,	*Scarborough*,	*Leigh*,	*Nottingham*,
Poulet,	*Guilford*,	*Osborne*,	*North & Grey*,
Mar,	*Yarmouth*,	*N. Dureſme*,	*Scarſdale*,
Weſton,	*R. Ferrers*,	*Jo. Elor*,	*Berkeley Str.*
W. Ceſtrient,	*Geo. Bath &*	*Ormonde*,	*Guernſey*,
Plimouth,	*Wells.*	*Shrewsbury*,	*Thanet*,
Wemyſs,	*Stawell*,	*Buckingham*,	*Jerſey*,
Leimpſter,	*Abingdon*,	*Northeſk*,	*Conway*,
Tho. Roſſen.	*Northampton*,	*Say & Seale*,	*H. London*,
Denbeigh,	*Craven*,	*Chandos*,	*Dartmouth*,
Suſſex,	*Weymouth*,	*Beaufort*,	*Hawarſham*,
Berkſhire,			

Then the main Question was put:

That the Commons have made good their first Article of Impeachment against *Henry Sacheverell*, Doctor in Divinity.

It was Resolved in the Affirmative.

Dissentient,

Dartmouth,
Guildford,
N. Dureſme,

Because by the Laws of the Land, the Laws of Parliament, and the inherent Right of Peerage, every Peer is to judge for himself, both of the Fact, as well as of the Law, and cannot be precluded from it, by any Majority, which indeed must determine the Case in respect of the Criminal, but never did, nor can preclude any Lord from Voting the Party accused, *Guilty* or *Not Guilty* of the Fact, as well as of the Crime of such Fact.

Suſſex,	*Geo. Bath &*	*Thanet*,	*Beaufort*,
Yarmouth,	*Wells*,	*Northampton*,	*Denbigh*,
Jerſey,	*Berkſhire*,	*Nottingham*,	*Scarſdale*,
W. Ceſtrient,	*Rochester*,	*Scarborough*,	*R. Ferrers*,
Conway,	*Plymouth*,	*Weymouth*,	*North & Grey*,
H. London,	*Howard*,	*Stawell*,	*Oſborne*,
Tho. Roſſen,	*Leigh*,	*Guernſey*,	*Abingdon.*

March

March 17th, Debates in the House of Lords about the Second Article.

The next Day, according to Order, the Lords took into Consideration the Second Article of the Commons Impeachment against Henry Sacheverell, *Doctor in Divinity, and the Lord Bishop of* Lincoln *open'd the Debate with a fine Speech, importing,*

The Bishop of Lincoln's *Speech.* THAT it was the Misfortune of some of their Bench, that in the Prosecution of the foregoing *Article* of this *Impeachment*, a noble Lord who spoke very early to that *Point*; was pleas'd not only to Anticipate their Judgment in that Particular; but to do it with this pretty Hard Reflection, That in giving it, as He suppos'd, they would, they should *Vote contrary to their own Doctrine.* That it was not Impossible but that, in the Course of the present Debate, another *Arrow* might be drawn out of the same * *Quiver* to shoot at them, and they might be told, that in defending of the † *Toleration granted by Law to the Dissenters*, they shew'd themselves to be *Apostates from their Own Order.* But from both these Imputations he was perswaded, both their *Writings*, and their *Actions*, would secure them in the Judgment of all indifferent Persons.

That the Substance of this Second Article of the Impeachment, which their Lordships were now about to enter upon; was this: *That Dr.* Sacheverell *in his Sermon doth suggest and maintain, That the Toleration granted by Law, is Unreasonable, and the Allowance of it unwarrantable. That he is a False Brother with Relation to God, Religion, or the Church; who defends Toleration, and Liberty of Conscience. That Q.* Elizabeth *was deluded by Archbishop* Grindal *to the Toleration of the* Genevian *Discipline! And that it is the Duty of Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons entituled to the Benefit of the Toleration; and insolently dares, or defies, any Power on Earth to reverse such Sentences.* That this was the sum of this part of the Commons Charge against Dr. *Sacheverell*, and he thought the Managers had fully made it out; not by bare Intendments, by unnecessary Implications, and forced Constructions; not by piecing together broken Sen-

* See Dr. *Sacheverell*'s Answer to the First Article of Impeachment. His Speech, Fol. Pag. 23.

† Dr. *Sacheverell*'s Sermon at St. *Paul*'s, Page 8.

tences, and Conjoining of distant and independent Passages; (as he had unjustly Complain'd;) but by the plain Words, and necessary meaning, of a very great Part of his Discourse.

But before he troubled their Lordships with the Proof of this, he desired leave, upon this Occasion, (tho' it were no part of the Impeachment laid against the Preacher) to observe to their Lordships what a strange Account he had thought fit to publish of that other popular Engine, which, he said, had been made use of * *to pull down the Church*, and which he called by the Name of Comprehension.

That the Person who first concerted this supposed Design against our Church, was the late most Reverend Dr. *Sancroft*, then Archbishop of *Canterbury*. The Time, was towards the End of that unhappy Reign, of which so much was said upon the Occasion of the foregoing Article. Then, when we were in the heighth of our Labours, defending the Church of *England* against the Assaults of Popery, and thought of nothing else; that Wise Prelate foreseeing some such Revolution as soon after was happily brought about, began to consider how utterly unprepared they had been at the Restoration of King *Charles* the IId to settle many Things to the Advantage of the Church; and what a Happy Opportunity had been lost for want of such a previous Care, as he was therefore desirous should now be taken, for the better and more perfect Establishment of it. It was visible to all the Nation, that the more moderate Dissenters were generally so well satisfied with that Stand which our Divines had made against Popery, and the many unanswerable Treatises they had publish'd in Confutation of it, as to express an unusual Readiness to come in to us. And it was therefore thought worth the while, when they were deliberating about those other Matters, to consider at the same time what might be done to Gain Them, without doing any Prejudice to our selves. That the Scheme was laid out, and the several Parts of it were committed, not only with the Approbation, but by the Direction of that Great Prelate, to such of our Divines as were thought the most proper to be intrusted with it. His Grace took one Part to Himself: Another was committed to a then Pious and Reverend † Dean, afterwards a Bishop, of our Church. The reviewing of the Daily Service of our Liturgy, and the Communion-Book, was refer'd to a Select Number of Excellent Persons, ‖ two of which were at this time upon our Bench; and would, he was sure, bear Witness to the Truth of his

* Sermon, pag. 16. 17.

† Dr. *Patrick* Bishop of *Ely*.

‖ The Archbishop of *York*, and Bishop of *Ely*.

Relation-

Relation. That the Design was, in short, this: To Improve, and, if possible, to inforce our Discipline; to Review, and Enlarge our Liturgy; by Correcting of some things, by Adding of others; and, if it should be thought advisable by Authority, when this Matter should come to be legally consider'd, first in Convocation, then in Parliament; by leaving some few Ceremonies, confess'd to be indifferent in their Natures, as Indifferent in their Usage, so as not to be necessarily Observed by those who made a Scruple of them; till they should be able to overcome either their Weaknesses, or Prejudices, and be willing to comply with them.

That how far this good Design was not only known to, but approved of by, the Other Fathers of our Church; that famous Petition for which Seven of them were sent to the Tower, and which contributed so much to our Delivetance, may suffice to shew. That *the Willingness they there declared of coming to such a Temper as should be thought fit with the Dissenters, when that Matter should be consider'd, and settled, in Parliament and Convocation*, manifestly referr'd to what was then known to several, if not all of the Subscribers, to have been at that very Time under Deliberation. And that nothing more was intended than he had before said, was as evident from what was publickly declared in a Treatise purposely written to recommend the Design when it was brought before the two Houses of Parliament, in the Beginning of the late Reign; and Licensed by the Authority of a Noble Peer, now present, who was at that time Secretary of State: In the very Beginning of which there is this Remarkable Passage, which he begg'd leave to read to their Lordships: * *No Alteration, that I know of, is intended but in Things declared to be Alterable by the Church it self. And if Things Alterable be Altered upon the Grounds of Prudence and Charity; and Things defective be supplied; and Things Abused be Restored to their proper Use; and Things of a more Ordinary Composition, Revised and Improved; whilst the* Doctrine, Government, *and* Worship *of the Church remain intire, in all the Substantial Parts of Them; We have all reason to believe that this will be so far from injuring the Church, that, on the contrary, it shall receive a very great Weight by it.*

And now, my Lords, added he, let any impartial Person Consider, what was there in such a Design that could be justly esteem'd prejudicial to the Constitution of our Church? Wherein would our Canons have suffer'd, if Those already

* A Letter to a Member of Parliament in favour of the Bill for *UNITING PROTESTANTS*: Licensed by the Command of the Earl of *Shrewsbury*: *April* 1. 1689. *Ja. Vernon.* Pag. 2.

made, had been more ſtrongly Enforced; and ſome New Ones had been Added, for the Reformation of Manners; for the better puniſhing of Notorious Offenders; and to render our Publick Diſcipline more ſtrict, and ſevere? This we have been Wiſhing for, ever ſince the Reformation: What Harm would it have done our Church had it now been Effected? Or how would our excellent Liturgy have been the worſe, if a few more doubtful Expreſſions had been Changed for plainer, and clearer; and a paſſage, or two, which however capable of a juſt Defence, yet in many Caſes ſeem harſh to ſome even of our Own Communion, had either been wholly left at liberty, in ſuch Caſes, to be Omitted altogether; Or been ſo qualified as to remove all Exception againſt Them in Any Caſe. If ſuch Collects, as are not yet adapted to the Feſtivals, or Goſpels, to which they belong; had been made more full, and appoſite to Both: If ſome of the Occaſional Offices had been Enlarged; and New Ones Added: If, for Example, there had been a greater Variety of Prayers, Pſalms, and Leſſons appointed by Authority, inſtead of the Compoſitions of private Perſons, now neceſſarily to be uſed, for the Viſitation of the Sick; and New Forms compoſed for the Uſe of Priſoners for Debt or Crimes: For the greater Solemnity of Receiving Proſelytes into our Church; Of Reconciling Penitents to it; and of Caſting Notorious Offenders out of it. Theſe were ſome of the main things that were then deſign'd: As for any favour to the Diſſenters, None, that I know of, was intended, but what ſhould have been intirely conſiſtent with our Own Conſtitution: And I hope it will not be thought any Crime for the Biſhops, and Clergy of our Church, to be willing to enlarge its Communion, by any Methods which may be likely to Gain Others, and yet not injure our Own Eſtabliſhment.

But to ſatisfie their Lordſhips that nothing could have been deſigned to the Detriment of the Church; he deſired them farther to conſider, how what was thus at firſt projected in private, by ſelect Perſons, and in a difficult time, when no countenance was to be expected from Authority to any ſuch purpoſe; was afterwards, if ever, to have been brought to Maturity. And this being a matter of publick Notice, the relation of it would admit of no Exception. That no ſooner were their late Majeſties, of Glorious Memory, ſeated in their Thrones, but this Deſign was openly eſpouſed by them. A Commiſſion was iſſued out, under the Great Seal of *England*, to a large number of Biſhops, and other Eminent Divines, to meet together, and to conſider of theſe Matters. What they did, having not had the Honour to be one of them, he ſhould not preſume to ſay. This, ſaid he, we know, that whatever they did, it was to have been carried

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on from Them to the two Convocations of *Canterbury* and *York*: And after it should have pass'd their Approbations, it was finally to have been laid before the two Houses of Parliament, and so to have gone on to the Royal Assent. This, *my* Lords, was the Course thro' which all that was designed, or should have been done in this matter, must have pass'd; and I am perswaded nothing very injurious to our Churches Welfare, will ever be able to pass thro' all these.

That Having thus given their Lordships a true account, of that Design which Dr. *Sacheverell* mentions under the name of Comprehension; he doubted not but that their Lordships will now be amazed to hear, what a false and scandalous Report he had made of it. In the 16th Page of his Sermon, he thus speaks of it: *The worst Adversaries of our Church, says he, were so be let into her Bowels under the Holy Umbrage of Sons; who neither* believed *her* Faith; own'd *her* Mission; submitted *to her* Discipline; *or* Complied *with her* Liturgy. *For the admitting of that* Trojan Horse, *big with Arms and Ruin, into our Holy City, the Straight Gate was to be laid quite open; Her Walls and Enclosures to be pull'd down; and a High-road made in upon Her Communion. Her Articles to be taught the Confusion of all Sences, Nations, and Languages.* That this is a very strange Representation of so Good a Design, as that he before recounted to their Lordships. Yet this Representation did this bold Man, as confidently, as falsly, make of it in the House of God; and publish to the View of the whole Nation. For thus he goes on: *This pious design of making our* House of Prayer a Den of Thieves. *of Reforming our Church into a* Chaos; *is well known to have been attempted several times in this Kingdom, and* Lately within our Memory; *when All things seem'd to favour it but that Good Providence which so happily interposed against the Ruin of our Church, and blasted the long projected Scheme of these Ecclesiastical* Achitophels. To say nothing more of the Design it self, of which I have given an Account before, Pray, my Lords, (added the Bishop of *Lincoln*) who were the *Achitophels* that projected it; and must have concurr'd to the Execution of it: I have already named the First, and Chiefest of them, the late Archbishop *Sancroft*. The next who openly approved of it, were the Commissioners who met upon it in the *Jerusalem Chamber*: A Set of Men, than which this Church was never, at any one time, blest'd with either wiser, or better, since it was a Church: * Who it was that Presided in the Convocation of this Province, to which this Project was next to be referr'd; and who, had it gone on, must have had a chief hand

* *The Lord Bishop of* London.

in the Management of it, I need not say. Every one who knows any thing at all of his Character; (and I am sure your Lordships are none of you Strangers to it) knows him to be too good a Friend to the Establishment of our Church, to have been capable of being engaged in such a Villainous Design, as Dr. *Sacheverell* pretends, for the Subversion of it. Or had He been otherwise, yet still the Major part of that Venerable Body must have been as great *Achithophels* as himself, for no Harm could have been done by him. Pardon me, my Lords, if the Course of my Argument obliges me to rise yet one Degree higher, and to say that the like Majority of your Lordships, and of the House of Commons, together with his late Majesty, must All have come into the Plot against the Church; or all the Skill, and Malice, of the Inferior *Achithophels*, would have signified nothing. And what Censure that Man deserves who has the Confidence to insinuate to the World, that the Bishops, the other Clergy, the Convocations; the Parliament, nay, and the late King himself, our Glorious Deliverer; Or at least the greater part of all these, were engaged in a Project *so Monstrous, so Romantic, and Absurd*, (for here I am content to use his own Expressions) *that it is hard to say whether it had more of Villany, or Folly, in it*, I shall submit it to your Lordships to consider. All I design in taking notice of this part of his Sermon, is only to clear the Memory of many excellent Persons who are dead; and to vindicate the Reputation of some still living, and in the highest Stations of the Church; from that Load of Infamy which this Rash Man has with so much Virulence of Speech cast upon them: And to let your Lordships see that nothing was intended in all that Affair but what was both Honourable to those who engaged in it; and I am perswaded would have been for the Interest and Peace of our Church and State, had it been accomplish'd.

That he came now to that which was the proper Subject of the present Debate; namely to offer such Passages to their Lordships, as he humbly conceived did plainly and fully, make out the Second Article of the Commons Impeachment against the Preacher; and prove him to have spoken with more freedom than he ought, not only of the Dissenters themselves, but of the Toleration, or (as he had rather they should call it) the Indulgence granted by Law to them.

That it was not deny'd either by his Council, or Himself, but that he had spoken, and spoken with warmth too, against Toleration: The only Question was, What the Toleration is against, which he spake? Whether it was that which has been granted by Law to the Dissenters? Or whether it was only against a general Toleration of *Atheists, Deists, Socinians*; Men of no Principles, perhaps of no Religion? Or at

most

most against such of the Dissenters as abused the Indulgence granted them by Law; and made use of it to Purposes not at all warranted by it? That the former of these the Commons charged upon him: The latter the Doctor pretended; the better to clear himself of their Charge.

That to determine this Point, he must in the first place beg leave to distinguish, that among the several sorts of *False-Brethren*, enumerated by the Preacher with relation to God, Religion, or the Church; the Second kind is of those, who give up any Point of the Churches Discipline, and Worship. *Page* 8. To this he adds, that those are *False-Brethren* who defend Toleration, and Liberty of Conscience. And that we may the better know what Toleration, and Liberty of Conscience, He means; He specifies the very Persons to whom He refers, and of whom He speaks; the *Dissenters*: *If, says he, to comply with the Dissenters both in publick and private Affairs, as Persons of tender Conscience and Piety, to promote their Interests in Elections; to sneak to them for places and preferment, to defend Toleration and Liberty of Conscience, and under the pretence of Moderation, excuse their Separation, are the Criterions of a true Church Man; God deliver Us All from such* False-Brethren. The Toleration therefore, and Liberty of Conscience, against which he speaks, must necessarily be that of the *Dissenters*; those who Separate from our Church: He names no others; but carries the same Persons thro' his whole Sentence, both before and after those Expressions. Either therefore it is no Reflection upon the Act of Indulgence to say that all those who defend the Toleration of the *Dissenters*, and are for allowing Liberty of Conscience to them, are *false-Brethren with relation to God, Religion, or the Church*, Page 6, 7, and such against whom we ought to *pray to God to deliver Us All*, Page 8: Or if this cannot with any reason be either said, or supposed, then it must remain, that Dr. *Sacheverell* has here said what the Commons charge him withal; and that in express terms, *viz.* That He is a false Brother who defends the Toleration, not of *Deists*, *Socinians*, and I know not what Monsters of Irreligion, but of the *Dissenters*: Those same *Dissenters* who by the Act of Indulgence have a right to that Liberty of Conscience of which this Gentleman speaks so very hardly; and prays God to defend Us from all such *False-Brethren* as shall presume to excuse it.

But not to insist upon a single Passage which might be supposed to have dropt unwarily from him. In the Second part of his Sermon, He proceeds to shew the great Perils and Mischiefs of those *False-Brethren*, against whom he was before speaking, both to the Church and State: pag. 15. And that These again are the same Persons who have a right to the Legal Indulgence is so very clear, that I do not see how it is

possible

possible for any one to make the least doubt of it. Pag. 18. He describes them as Occasional Conformists to the Church. Pag. 19. *As those who had the Old Leaven of their Fore-fathers still working in them:* And, in the next Sentence, He expresly takes notice of the Religious Liberty which our Gracious Sovereign has Indulged them. This in the very same Sentence He calls their Toleration: (for the Doctor himself is not tied up to any Niceties of Expression; He may call it so, tho' Others may not:) These are the Persons, and the only Persons, of whom he speaks in all that part of his Discourse; let us see what he says of the Indulgence granted by Law to them.

And first, he tells us, Page 18. *That it cannot be deny'd, but that tho' they do submit to the Government, their Obedience is forced, and constrain'd; and so treacherous, and uncertain, as never to be trusted. That they are as much Occasional Loyalists to the State, as they are Occasional Conformists to the Church; and will betray either whenever it is in their Power, and they think it for their Advantage. That nothing but a Sottish Infatuation can so far blind our Eyes and our Judgments, as to make Us believe that the same Causes should not produce the same Effects; that the same Latitudinarian and Republican Notions, should not bring forth the same Rebellious and Pernicious Consequences. That we shall be convinced to our Sorrow, if we don't apprehend that the * Old Leaven of their Fore-fathers is still working in the present Generation; and that this Traditional Poyson still remains in this brood of Vipers to sting us to Death. That they have advanced themselves from the Religious Liberty which our Gracious Soveriegn has Indulged them, to claim a Civil Right; and to justle the Church out of Her Establishment, by hoisting their Toleration into its Place. That to convince us what alone will satisfie them, they insolently demand the Repeal of the Corporation and Test Acts, which under Her Majesty is the only Security the Church has to depend upon: And which* (if we may believe Him,) *They have so far eluded by their abominable Hypocrisie, as to have undermin'd her Foundations, and indanger the Government, by filling it with its professed Enemies.* His meaning is plainly this; that the *Dissenters*, whom we are so foolish as to indulge, a parcel of False and Treacherous Persons; Enemies both to our Church and State; and such as if not timely suppress'd, will convince us to our Sorrow of the weakness and folly, of taking such Vipers into our Bosom, as watch only for a fair Opportunity to sting us to Death.

But what then must we do to secure our selves against these dangerous Enemies? Why first, the Doctor assures us, that they are never to be gain'd by any favour that can be shew'd to them. * *That he must be very Weak, or something worse, that*

* Serm. Page 19.

thinks,

thinks, or pretends, that the Dissenters (for of These he still speaks) *are to be won over by any other Grants and Indulgences than giving up our whole Constitution.* This shews the folly of trying the soft way of Indulgence with them: And therefore he concludes; That *He who recedes the least tittle from it* (our Constitution) *to satisfie, or ingratiate with, these* (unworn, Insatiable, *Church-devouring Malignants, knows not what Spirit they are of; or he ought to shew who is the true Member of our Church.*

This I think, (continued the Bishop of *Lincoln,*) comes fully up to what is objected against Him; namely, that Doctor *Sacheverell, does in his Sermon suggest and maintain, that the Toleration granted by Law is Unwarrantable, and the Allowance of it Unwarrantable.* For so it must needs be, if the *Dissenters* be such Men as he tells us they are; and will be satisfy'd with nothing less, than he assures us they will. And yet what next follows, is, if possible, still more express to the same purpose. It is objected against him by the Commons, that He had affirm'd in his Sermon, That *Queen* Elizabeth *was deluded by Archbishop* Grindal, *(whom he scurrilously calls a False-Son of the Church, and a perfidious Prelate;) to the Toleration of the* Genevian *Discipline.* The Fact is not denied; but the Expressions are excus'd; and the Truth of the Allegation is endeavoured to be made out by Historical Memoirs: And it is hoped that your Lordships will not account it a High Crime and Misdemeanour, to have spoken too hardly of a Prelate who has been so many Years in his Grave.

I am, my Lords, very far from thinking, that the Commons ever intended to charge Dr. *Sacheverell* as guilty of High Crimes and Misdemeanours, for speaking scandalously of that Good Archbishop. Their Concern was not for His Person, what respect soever they may have had (as all true Friends of the Reformation must needs have a very great One) for his Memory. But the Truth of the Matter is this. The Preacher complains Page 19. of his Sermon; that Queen *Elizabeth* was deluded by Archbishop *Grindal*, to the Toleration of the *Genevian* Discipline. *He adds, that the Archbishop was a perfidious Prelate, for deluding her to Tolerate that Discipline. That she found it such a Headstrong and Encroaching Monster, that in Eight Years she saw it would endanger the Monarchy as well as the Hierarchy: And like a Queen of true Resolution, and pious Zeal for Both, she pronounced that such were the restless Spirits of that factious People *, that no quiet was to be expected from them, till they were utterly suppress'd. That this therefore like a prudent Princess, she did by wholesome Severities; and the Effect was, that by this means the Crown for many Years sate easie*

* Serm. Page 20.

and

and flourishing on her Head. But that her Successor, King James, did not follow her Wise Politicks: And the Result was as Deplorable on his Side, as it had been Glorious on Hers. For by this means, *His Son fell a Martyr to their Fury: His unhappy Offspring, suffer'd such disastrous Calamities, as made the Royal Family one continued Sacrifice to their Malice.* And all this for want of those wholesome Severities which the wise Queen his Predecessor, had Used utterly to suppress that Factious People.

This, my Lords, is the Doctor's Narrative, and I have given it you in his own Words. The Application is plain, and home. The *Dissenters* are now again Tolerated, as they were heretofore under Q. *Elizabeth*. There is a perfidious *Prelate* (perhaps in his Opinion a great many) who, like Arch-Bishop *Grindal*, help to delude another Queen, into the Toleration of them. These Eight Years past (for the very number of Years is remarkable) Her Majesty has born the restless Spirits of this Factious People; and had no quiet from them. It is now high time for Her to alter Her Measures, as Queen *Elizabeth* wisely did. It is the only way to make the Crown sit Easie, and Flourishing, upon Her Head. And if this be not plainly to speak out what he would have done with the *Act of Indulgence*, I must despair of ever being able to know any Man's meaning by his Expressions. Such Examples are not only the most likely to inforce, but the most proper, and lively Methods to convey a Man's Sense, even to the dullest Capacity; and make him clearly perceive if not what he ought, yet I am sure what the Preacher would have him to do.

The truth is, so plain was his meaning, that he himself began to fear that he had gone a little too far in what he had said of this Matter. And, for that reason, he added that One, poor Sentence which immediately follows, and of which he has made such good Use since: *That he would not be Misunderstood as if he intended to Cast the least Invidious* Reflection *upon that* Indulgence *the* Government *had condescended to give them, (the Dissenters:)* But what then did he intend by all this bitter Invective against them; and that very *Instructive* piece of *History* with which he concluded it? He 'has 'told us that the Dissenters are *False Brethren*; Destructive 'both of our *Civil* and *Ecclesiastical* Rights. That they are 'Occasional *Loyalists* to the *State*, as well as *Occasional Conformists* to the *Church*; and will betray both, whenever they 'have it in their Power, and it shall be their Interest, to do 'it. That it must be a Sottish Infatuation to believe that 'the same Licentiousness, and Republican Notions, should 'not bring forth the same Rebellious, and Pernicious Consequences: That we shall be convinc'd to our Sorrow, if we 'do not apprehend that the Old Leaven of their Fore-fathers,

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‘ is still working in the present Generation: That they have
‘ already made dangerous Encroachments upon the Govern-
‘ ment; and publish'd Treasonable Reflections upon Her Ma-
‘ jesty: That they have alienated their Indulgence into a Ci-
‘ vil Right, and justled the Church out of Her Establishment,
‘ by hoisting their Toleration into its place: That They have
‘ by their abominable Hypocrisie undermined the Foundation
‘ of the *Church*, and endanger'd the *Government*, by filling it
‘ with its profess'd Enemies: That they are Clamorous, Insa-
‘ tiable, Church-Devouring Malignants; whom no other
‘ Grants, or Indulgencies can Win over but the giving up
‘ our whole Constitution: That ever since their first unhap-
‘ py Plantation in this Kingdom, they have Improved, and
‘ Rose upon their Demands in the Permission of the Govern-
‘ ment: That Queen *Elizabeth*, who Tolerated them for Eight
‘ Years together, was forced at last to suppress them by whole-
‘ some Severities: That this made her Crown sit Easie and
‘ Flourishing on her Head; whereas King *James* the First by
‘ not pursuing the like Methods ruined the whole Royal Fa-
‘ mily: That nothing better could be expected from such
‘ *Miscreants, begot in Rebellion, Born in Sedition, and Nursed*
‘ *up in Faction*: All this Dr. S. has said in these very plain,
and emphatical Words. If he did not intend by all this to
shew the Necessity of Suppressing these Factious People, these
Vipers, who are just ready to sting us all to death, I would
be glad to know what it was that he did intend by it? Could
he say all this, and with such a singular strain of impetuous
Eloquence, and yet *not intend to cast so much as the least invi-*
dious Reflections upon that Indulgence which the Government has
thought fit to give them? I must freely own, my Lords I could ne-
ver have imagined this: Nay I must be excused if I add, That
notwithstanding this poor Evasion, I cannot yet believe it.
But the *Act of Indulgence* stood in his way: That *Act* the
Queen had declared her Resolution to maintain: Your Lord-
ships and the Commons had often shewn your Steddiness to
the same Effect. Even those who press'd so violently against
Occasional Conformity, yet thought it necessary to say, in the
very Preamble of that Bill, that the *Act of Indulgence* ought
inviolably to be Observed: And therefore Dr. S. thought it
needful to add somewhat that he knew would not take off
any thing from the force of his Invective; yet might serve to
excuse the Severity of it; and be made use of to the purpose
it now is, if he should chance to be call'd to Account for it.
This, my Lords, I conceive to be the true meaning of that
one single Passage, so utterly repugnant to all the rest of his
Discourse: Nor can I put any other Interpretation upon it.
For had I the same Opinion of these Men, their Principles,

and

and their Designs, that Dr. S. has; I should be so far from thinking them fit to be Indulged, that I should account it my Duty, and the Duty of every true Friend to our Church and Government; to take the same Methods of Wholesome Severities with them that Queen *Elizabeth* did: And I hope by God's Grace that should I be questioned for it, I should not dissemble my Opinion; but should have the Courage honestly to own it, whatever I might chance to suffer for it. He added, that he had insisted the longer upon this part of the Doctor's Sermon, because he would not willingly fall under the Censure of picking out disjointed Sentences, and putting them together from distant Places, that so he might the better draw a Sense out of them, contrary to his meaning. That he should trouble their Lordships but with one part more of it, to the same Effect; Pag. 24, 25. Where he comes to consider, what should be the Result of his long Discourse? Which he should read to their Lordships in his own Words, Pag. 25. 'Let us therefore (says he) as we are unhappy 'Sharers of St. *Paul*'s Misfortune, to have our Church in 'Perils amongst False Brethren, follow his Example, and Conduct in a Parallel Case. He tells us in his *Epistle* to the *Galatians*, chap. 2. That he was obstructed, and pester'd in 'Preaching the Gospel, by *False-Brethren unawares brought in, 'who came privily to spy out his Liberty which he had in Christ 'Jesus, that they might bring him into Bondage. To whom he 'gave place by Subjection, no not for an Hour, that the truth of 'the Gospel might continue with the Church.* Doubtless this brave and bold Resolution, did the Apostle take by the peculiar Command, and Inspiration of the *Holy Ghost*: And yet if *Our Dissenters* had lived in those Times, they would have branded him as an *Intemperate, Hot, Furious Zealot*; 'that wanted to be sweetned by the gentle Spirit of *Charity*, 'and *Moderation* forsooth. That here they had again the Persons of whom the Preacher speaks: They are *Our Dissenters*; not the *Deists, Atheists, Socinians, Hypocrites*, of our times. And accordingly, what follows plainly refers to them: For thus he goes on, 'Schism and *Faction* are Things of Impudent and Incroaching Natures: Take *Permissions* for *Power*; 'and advance a *Toleration*, (for so the Dr. is still at Liberty 'to call, what we must stile *Indulgence*) immediately into an 'Establishment. That their Lordships would please to observe, by the way, that this was the very thing he had before said of these same Persons, *Pag.* 19; and thereby plainly shews, that he speaks in both Places of those *Dissenters* who have a right to the *Toleration*, or *Indulgence*, granted by Law to *Protestant Dissenters*. Let us now, *added his Lordship*, hear what he would have done with them. Why he would have them

'treated

quoted like *Growing Miſchiefs*; *or Infectious Plagues*; kept at a diſtance, leaſt their deadly Contagion ſpread. And the Method he propoſes in order thereunto, is this, *Let us therefore*, ſays he, *have no Fellowſhip with theſe works of Darkneſs: but rather reprove them.* Theſe Works, *Schiſm* and *Faction*; For of theſe, and theſe only, he here ſpeaks. This is the Peoples part; and the Inferiour Paſtors: *As for the Superiour Paſtors, let them do their Duty, in thundering out their Eccleſiaſtical Anathema's againſt them.* Againſt whom, my Lords? What works of Darkneſs? Still the ſame he before mention'd: *Our Diſſenters*, thoſe are the Perſons: their *Schiſm* and *Faction*; thoſe are the works of Darkneſs to which he refers. *And let any Power on Earth dare reverſe a Sentence ratify'd in Heaven.*

That this was the laſt part of the Commons Impeachment upon this *Second Article*: And 'twas ſo plainly expreſſed by the Preacher in this Paſſage, that his Lordſhip confeſs'd it amazed him to conſider with what Poſitiveneſs he had thought fit to deny that any ſuch thing was meant by him. That the Perſons whom the *Superior Paſtors* are ſummon'd to *Anathematize*, are the ſame with thoſe, whom the Other *Paſtors* and *People*, are to have no Fellowſhip withal, but to Reprove. Theſe, by the neceſſary connexion of his Diſcourſe, are *Our Diſſenters*; whoſe works of Darkneſs, he ſtates to be *Schiſm*, and *Faction*: Thoſe *Diſſenters* to whom the Government hath granted a *Toleration*; as himſelf, in the ſame Paſſage takes notice. Which being ſo; he ſhould leave the Dr. to Deny, and Proteſt, as he pleaſed; but when all is done, his own words would riſe up againſt him, and appear to every impartial Perſon ſo plain, and poſitive, as to put it beyond the Power of any artificial Interpretation to perplex the meaning of them.

And this *ſaid he in the Concluſion*, lets us into the true Application of thoſe Paſſages of Scripture, with which he concludes his whole Diſcourſe: In which, having ſhewn the Danger of our *Church* from theſe *Falſe-Brethren*, and exhorted his Auditory to a ſteddy Courage and Reſolution in the Defence of it; he thus at once both inforces his Doctrine, and abuſes his Adverſaries. That tho' the Church (for to that he applies, what † *Zechariah* ſpake of the Falſe Prophets that ſeduced the People) *lies bleeding of the Wounds which ſhe had received in the Houſe of her Friends*: A Paſſage firſt thrown at my * ſelf, for Defending the Prince's Authority, when ſome

† *Zech.* 13. 6.
* See Dr. *A*'s Rights of an *Engliſh* Convocation; Title Page.

of

of these very Men engaged as vehemently on the side of *Liberty*, against the Rights of the Crown, as they now pretend to stand up vigorously for it; ‖ *Tho' the Ways of Sion may mourn for a time* (so the Dr. Glosses upon the Text) *and her Gates be desolate; her Priests sigh*; and she in bitterness, because (it is the Preacher's Reason, the Text has no such Word) *Her Adversaries are Chief*; he means, in the Administration under Her Majesty; *and Her Enemies at present prosper*; (so he again improves the Text; in hopes, I suppose, that it will not be long before he shall have Preach'd them out of their Places:) * *Tho' among all her Lovers she has Few*, (the Prophet complained that *Jerusalem* had none) to Comfort her; and many (*Jeremiah* said all) *have dealt treacherously with her, and are become her Enemies*; (he refers to those of whom he had before spoken *Pag.* 22.) † *Tho' there are few to guide her among all the Sons which she hath brought forth; neither are there many to take her by the Hand of all the Sons that she hath brought up*; (*Isaiah* in both places, says none:) *Tho' her Enemies cry down with her; down with her, even to the Ground*: That is, in other Words, tho' (the Preacher, and a few of his Friends, excepted) both the Fathers and Pastors of the Church; and the Men who are at present in Power, and Authority, in the State, are become *False-Brethren*, and run in with those Enemies of the Church, *Our Dissenters*, against it; *Yet there is a God that can; and will raise her up, if we forsake her not.*

It were an easie matter to make many proper Remarks upon these Passages of Scripture, thus applied, or rather abused, by the Preacher: But that would be besides my present Business; and will fall in more properly under the *last Article of this Impeachment*. It is enough that I have, I hope, fully shewn your Lordships how Dr. *Sacheverell* has treated if not the Indulgence it self, yet I am sure, *Those who are entitled to the Benefit of it*: And who if they shall have the Misfortune, by this kind of Preaching, to be once generally thought such Wicked, False, and Dangerous Enemies to our *Church* and *State* as they are here represented, I cannot think that their Indulgence will hold long. If they have Numbers to secure them, it is well for them: But otherwise I am sure as the Case is here stated, it must be our *Wisdom*, as well as *Duty*, to suppress them.

How Criminal such an *Invective* as this will be accounted in the Eye of the Law, I dare not presume to suggest: much less shall I pretend to intimate what Censure it may deserve.

‖ *Lament.* 1. 4. 5. * *Lam.* iii. 1. 2. † *Isa.* 51. 18.

Some-

Somewhat I think should be done to put a ſtop to ſuch Preaching, as if not timely corrected may kindle ſuch *Heats* and *Animoſities* among us, as may truly endanger both our *Church* and *State*. As for the *Preacher* himſelf; I am very willing to come into any Meaſures of Favour to him, that are Conſiſtent with your Lordſhips Honour and Juſtice; and will anſwer the Ends of the *Impeachment* that has been brought before Us againſt him.

The Biſhop of *Norwich* who ſpoke next, ſaid,

The Biſhop of *Norwich*'s Speech.

HE was very ſenſible under what Diſadvantage in the Opinion of many, a Biſhop muſt ſpeak againſt a Clergyman that ſtands accuſed of Crimes committed by him in the ſeeming Execution of his Office; eſpecially after having been ſo publickly required to be an Advocate as well as a Judge. And he was the more ſenſible of this prejudice lying againſt him, for having been ſo lately called into that Order, and for being ſo unworthy of it.

But he thought himſelf obliged notwithſtanding, under all theſe Diſadvantages, to deliver not only his Judgment, but alſo the Reaſons that determin'd him to it; which he ſhould do as plainly as he could; with that deference to their Lordſhips, which he was ſure it muſt upon all Occaſions particularly become him to pay; and at the ſame time with that Freedom which he thought the Importance of this cauſe did at this time require.

That Dr. *Sacheverell* ſtood Impeached by the Commons of *Great-Britain*, of High Crimes and Miſdemeanours expreſſed in the ſeveral Articles of the Charge exhibited againſt him: And their Lordſhips had heard what they had ſaid in ſupport of that Charge, as well as what had been offer'd in the Doctor's Defence.

That their Lordſhips had alſo debated among themſelves the Merits of the Cauſe as to the firſt of theſe Articles; and had come to a Reſolution, that the Commons had made good that part of their Charge: In which Reſolution as he did heartily concur; ſo he was ready to have humbly repreſented to their Lordſhips his Reaſons for ſo doing, had there been either room or occaſion for it.

That their Lordſhips were now upon the *Second Article*; wherein the Doctor is charged for 'Suggeſting and Maintaining

'ing that the Toleration granted by Law, is unreasonable, 'and the Allowance of it unwarrantable; with other particulars that have immediate relation to this general Charge, and which are indeed so many proofs of it.

That in this view therefore, he begg'd leave to consider them; And the First of these Instances, in Support of this Charge, is, that he asserts that *He is a False Brother, with relation to God, Religion, or the Church, who defends Toleration and Liberty of Conscience*; and this, my Lords, (continued he) the Doctor does assert in so many Words. It is one of the many Marks he gives whereby we may discern who is a False Brother in those Respects; not a *small part of one General Mark*, as was alledged very inconclusively, I think, in his Defence. For if it was to be granted, (tho' it cannot be fairly pretended) that the Doctor makes the *defending* of Toleration and Liberty of Conscience, one Branch only of the Character of a False Brother; I do not see how it cou'd make even a part of that Character, if there was no False Brotherhood in it. And I shall not trouble my self or your Lordships with going about to settle the degrees of False Brotherhood that are in this part of the Character, because I think every degree of it is unreasonable and not to be warranted. And therefore the Doctor cannot make it so much as a part of the Character of a False Brother to defend Toleration and Liberty of Conscience, as it is confess'd that he does, but he must at the same time *suggest and maintain that the Toleration is unreasonable, and the Allowance of it unwarrantable.* For it can never be any Degree of False Brotherhood, to defend what is reasonable and warrantable: Nor wou'd even the Doctor, as inconsistent a Man as several of the Noble Lords that have spoken for him represent him to be, ever have made it one; if he had not himself condemn'd that which he blames others for defending.

That the Second Instance alledg'd is, that *he calls Archbishop* Grindal *a False Son of the Church, and a perfidious Prelate, for deluding Queen* Elizabeth *into the Toleration of the* Genevian *Discipline.* That he should not go about to add any thing to the full and just Vindication they had heard of that Excellent Prelate. But could any of their Lordships believe, that a Presbyter of the Church of *England*, professing more than ordinary Zeal for Episcopacy and the Constitution of this Church; shou'd bestow such Language on one who was the first Bishop and the Ornament of it so long; only for disposing that Glorious Queen to a mild Treatment of the Puritans of that Time, which is the utmost that was pretended to be laid to his Charge, if he had thought Toleration a reasonable thing, or what was fit to be established by Law?

This

This, my Lords, (added he,) I confeſs can never enter into my Thoughts, as ready as I am to enlarge them for the admitting of any favourable Conſtruction that will not ſhut out Common Senſe.

That the *Third Inſtance is his making it the Duty of the Superior Paſtors to thunder out their Eccleſiaſtical Anathema's againſt Perſons entitl'd to the Benefits of the Toleration.* And to ſhew that he has done this, he need only refer their Lordſhips to that Part of his Sermon where the Superior Paſtors are called upon to do ſo; (*viz.*) the Fourth and laſt General Head, where he draws the Conſequence of all that he had ſpoken before in the following Words. * "Now what ſhould be "the Reſult of this long Diſcourſe, but that if we bear any "true Concern for the Intereſt, Honour, and Safety of our "Church, and Government, we ought ſtedfaſtly to adhere "to thoſe Fundamental Principles upon which both are foun-"ded, and upon which their Security, under God, alone "depends: and conſequently that it highly behoves us, cau-"tiouſly to Watch againſt, to Mark, and Avoid all thoſe "that thus treacherouſly deſert them. And indeed it wou'd "be both for our Advantage, as well as their Credit, if ſuch "Men wou'd throw off the Maſk, entirely quit our Church, "of which they are no True Members, and not fraudulently "eat her Bread, and lay wait for her Ruin, purloin her Re-"venues, and ungratefully lift up their Heels againſt Her. "For then we ſhould be one Fold under one Shepherd; all "thoſe Invidious Diſtinctions, that now Diſtract and Con-"found us, loſt; and we ſhou'd be terrible like an Ar-"my of Banners to our Enemies; who cou'd never break "in upon ſuch an Uniform and Well compacted Body. "This indeed wou'd be a True Peace, and Solid Uni-"on, when we ſhou'd all with one Mind and one Mouth "glorifie God. and not with a confus'd diverſity of Contra-"dictious Opinions, and inconſiſtent Jargon of Worſhip, "which the God of Peace, Purity, and Order cannot but "abhor. As it is a Maxim in Politicks, that all Govern-"ments are beſt ſupported by the ſame Methods and Coun-"cils upon which they are founded; ſo it will appear un-"deniably True in its Application to our Conſtitution, "which can be Maintain'd by no other Principles, but thoſe "on which it is built, and like their Baſis, the Goſpel, "if there's any Violation, or Breach made in any Branch of "it, it ſhakes and endangers the whole Frame and Body. "Theſe things however little they may be repreſented by "our Adverſaries, will be found of the moſt conſiderable

* *Vide* Serm. *Pag.* 22 *l.* 4.

" Conſequence. Let us therefore, as we are unhappy Sha-
" rers of St. *Paul*'s Misfortune, to have our Church in Pe-
" rils among Falſe Brethren, follow his Example and Con-
" duct in a parallell Caſe. He tells us in his Epiſtle to the
" *Galatians*, c. 2. That he was obſtructed and peſter'd in his
" preaching the Goſpel, by *Falſe Brethren* unawares brought
" in, who came privily to ſpy out his Liberty, which he
" had in Chriſt Jeſus, that they might bring him into Bon-
" dage: To whom he gave place by Subjection, no not for
" an Hour, that the Truth of the Goſpel might continue
" with the Church. Doubtleſs this brave and bold Reſolu-
" tion did the Apoſtle take by the peculiar Command, and
" Inſpiration of the Holy Ghoſt; and yet if our Diſſenters
" had liv'd in thoſe Times, they wou'd have branded him,
" as an Intemperate, Hot, Furious Zealot, that wanted to
" be ſweeten'd by the gentle Spirit of Charity and Mode-
" ration forſooth. Schiſm and Faction, are things of im-
" pudent and incroaching Natures, they thrive upon Con-
" ceſſions, take Permiſſion for Power, and advance a Tolera-
" tion immediately into an Eſtabliſhment. And are there-
" fore to be treated like growing Miſchiefs, or infectious
" Plagues, kept at a Diſtance, leſt their deadly Contagion
" ſpreads. Let us therefore have no Fellowſhip with thoſe
" Works of Darkneſs, but rather reprove them. Let our
" Superior Paſtors do their Duty in thundring out their Ec-
" cleſiaſtical Anathema's, and let any Power on Earth dare
" reverſe a Sentence ratify'd in Heaven.

Can any thing be plainer than that the Diſſenters, and they only, are here ſpoken of; And what does the Doctor ſay in his own Defence, to avoid it? His Words in his print-ed Speech are theſe:

" Schiſmaticks, my Lords, are not the only Perſons againſt
" whom Eccleſiaſtical Cenſures may be denounced: The
" Works of Darkneſs which I referr'd to as fit to be repro-
" ved, in that part of my Sermon where I ſpeak of theſe
" Cenſures, are of the ſame kind with thoſe mentioned by
" the Apoſtle, whoſe Words I produc'd; All Lewd and
" Immoral Practices, *&c.*

The Biſhop of *Norwich* ſaid, it was very true: Schiſma-ticks are not the only Perſons againſt whom Eccleſiaſtical Cenſures may be denounc'd, but he muſt ſtill ſay they are the only Perſons referr'd to, in the Paragraph he had read to their Lordſhips; and therefore he own'd he was a good deal concern'd, to find the Doctor making ſo vain and ſo inſincere a Defence. For it is not Works of Darkneſs in general he is cautioning againſt, but expreſly, by a Word of his own inſerting, not the Apoſtle's, thoſe Words of Dark-

neſs

pels mentioned immediately before; *Schism* and *Faction*, which with him go always together. That these are the Sins against which he calls upon his Superior Pastors to thunder out their Ecclesiastical *Anathema's*; nor can the Charge be avoided by that Distinction which was offer'd in his behalf, between a Censure purely Spiritual, and an Ecclesiastical Censure. For admitting there is ground for that Distinction in a Scholastical Consideration of the general Question of Christian Censures; yet there is no room to make use of it in this case, because he calls expresly for *Ecclesiastical Anathema's*, which can be apply'd to none but such as are part of the Order and Discipline of this Church.

That it is certain that these Censures cannot, since the Act of Toleration, be inflicted upon Dissenters, how much soever their Schism remains; because it is expresly provided by an Act of Parliament, (an Act of the whole Christian Society, to which the Superior Pastors were personally concurring,) that they shall not be treated as Schismaticks in the way of those Ecclesiastical Censures, to which their Separation would otherwise have certainly subjected them.

And tho' he could not undertake upon Memory to be very particular, yet he durst venture to say, there have anciently been Relaxations of the Discipline of the Church, even when the Crime was thought to deserve the Continuance of it; for Publick Expedience, and better preserving the Peace of the Christian World: And that in such Cases any Presbyter or Bishop wou'd himself have been censured, if he had not acquiesced in such Relaxations. That a Presbyter of the Church of *England*, is the more obliged to acquiesce in all such Relaxations amongst us as are legally made, because he has solemnly promised at his Ordination, that *he will give his Faithful Diligence always so to minister the Doctrine and Sacraments, and the Discipline of Christ, as the Lord hath commanded, and as this Church and* Realm *hath received the same.*

That he had already observed to their Lordships, how the Discipline of the Church stood at present as to the Point in question. And as the Relaxation of it in that particular, was agreeable to that Temper which the Bishops who petitioned King *James*, gave the Dissenters ground to expect: So he was verily perswaded that the Church is so far from having been hurt by this Indulgence, that it has received Advantage as well as Credit, from that Moderation which gave way to it. That he cou'd give several Instances of this within his own Observation, while I was Arch-Deacon, under a Reverend Prelate that sate now before

fore him; and since he had the Honour to be on that Bench: In which Compass of time several Men of Sobriety and Learning bred up to be Ministers amongst the Dissenters, had left the Separation, and upon due Tryal had been admitted to Orders in our Church; in which they had officiated with entire Conformity to our Rules, and to the Honour of our holy Religion.

That these Instances had been so frequent and Remarkable, since the Dissenters had been exempted from the Penalties of certain Laws, above what had been observ'd before; that he thought it very ill becomes any Clergyman to preach against that Exemption, as the Doctor (notwithstanding his Reserve for *Consciences truly scrupulous*) had done; and to call upon his Superiours to act in contradiction to it. He shou'd have forbore doing this, at least out of regard to her Majesty, who had been graciously pleas'd to declare from the Throne, *that she wou'd preserve the Toleration inviolable*: A Resolution he should ever think it his Duty upon all proper Occasions to express his Approbation of, as Just and Wise and Charitable, and every way agreeable to the Spirit and Genius of the Christian Religion. That he should not enter into the Enquiry of what Sentences are ratify'd in Heaven: But as one may venture to say, that all that have been pronounced on Earth, are not ratify'd there; so by all he had seen of the Doctor's Spirit in these Matters, he had great reason to fear, that if the Power of the Keys was in his Hands, it would often be very sadly abused.

However, added he, he has so good an Opinion of his own Spirit, as to put his Superiors in mind of another Part of their Duty, and that is, to *promote Men of Probity, Conscience and Courage*, without which he thinks they cannot be fit Members of the Church Militant, in which I can as little agree with him as in the former demand. For if I may Judge of the Probity, Conscience, and Courage he thinks so deserving, by what appears in his Sermon, compar'd with his Speech to your Lordships; I cannot think them Qualifications for a Minister of the Church of Christ in any respect; and I hope I shall be so happy as to find all the Reverend Prelates with whom I have the honour to sit, agreeing with me in this. But tho' I hope such a Conduct will never recommend any Person to favour; yet I do not desire that even that which I heartily blame, shou'd be punished so much as I think it deserves. And tho' He who pleads so warmly for wholesome Severities toward those who differ from him, has the least Title to Your Lordships Compassion; Yet I hope he will find it as far as the just Concern you have for the Publick Tranquillity will allow you to shew it.

This

This I say from that which I bless God is the natural Temper of my Mind, and not from the Cave that has been taken by some to intimidate as far as they cou'd, those who were to have the Cognizance of the Doctor's Cause, and were not thought to be favourable to it.

I shall not take upon me to charge the Doctor or any of his particular Friends with this Practice, as great a Temptation as one is under to do so from several Circumstances. And it is not the least, that occurs in his Prayers, which he has publish'd upon this Occasion, to represent not so much to God as to the World, that he is under Persecution, when he is prosecuted for offending against the Law, by those who in common Justice ought to be thought the fairest Accusers; and before Your Lordships who are justly acknowledged to be the most impartial Judges.

However I will never believe, till I cannot avoid it; that any Members of the Church of *England* who have acknowledged the Government, much less any Clergy-man who has so often profess'd his Obedience to it in Church and State, shou'd have been any way accessary to those threatnings that have been given out, particularly against such Bishops as should happen to condemn the Doctor's Proceedings.

As for, My Lords, said he in the Conclusion, as I have seen of this Cause, I am likely to be one of those Bishops; and tho' I do not pretend to any great share of Courage, I am very free to declare to Your Lordships that I am in no Comparison so apprehensive of what may befal my self for condemning this Person, as I am of what will probably befal the Publick if Your Lordships shou'd not condemn him.

But that is in Your Lordship's Judgment, to which I humbly submit it: And only beg Pardon for having detain'd Your Lordships so long in giving my reasons why I think the Commons have made good this Second Part of their Charge.

No Peer offering to speak in favour of Dr. *Sacheverell*, the Question was put, *That the Commons have made good the Second Article of their Impeachment, against* Henry Sacheverell, *Doctor in Divinity*; which was resolv'd in the Affirmative.

Then the *Third Article* of the Commons Impeachment being Read, little was said on either Side, thereupon; and then the Question being put, That the Commons had made good the said Article, it was likewise resolv'd in the Affirmative.

Debates

Debates about the Fourth Article.

The *Fourth Article* which was read next, occasion'd a longer Debate, which was open'd by the Earl of *Wharton*, who ſpoke in the Praiſe of the preſent Adminiſtration:

Earl of Wharton.

The Biſhop of *Saliſbury* ſeconded him, and ſpoke with Vehemence againſt Doctor *Sacheverell*; who by inveighing againſt the *Revolution*, *Toleration*, and *Union*, ſeem'd to arraign and attack the Queen Herſelf, he added, That nothing could be more plain, than his Reflecting on Her Majeſty's Miniſters; and that he had in particular, ſo well mark'd out a Noble Peer there preſent, by an *Ugly and ſcurrilous* * *Epithet*, (which he would not repeat) that 'twas not poſſible to miſtake him. This ſet the whole Houſe a Laughing; and ſeveral Lords cry'd *name him, name him*; but the Lord Chancellor moderated the Matter, ſaying, *no Peer was oblig'd to ſpeak, but what he thought fit.* The Lord *Fevers* ſaid ſomething in Favour of Doctor *Sacheverell*, but was anſwered by the Earl of *Ila*; and then the Lord *Haverſham* made a ſhort Speech, about that Part of the *Fourth Article*, wherein Dr. *Sacheverell* is charg'd with wreſting and perverting divers Paſſages of Holy Scripture:

Bishop of Sarum.

The Lord Haverſham's Speech.

He ſaid, in Subſtance, 'That no 'Man on Earth has Authority to 'interpret the Scripture; which 'as he thought, muſt be interpre-'ted by it ſelf; That ever ſince the Reformation, we 'had contended againſt the Church of *Rome*, who pre-'tended to that Authority: And ſhall we, added he, 'allow *Infallibility* in *the Commons*, which we *denye* in 'the *Pope of* Rome? And in the Concluſion, his Lord-'ſhip repeated his Deſire, that the Reverend Prelates, 'there preſent, would tell the Houſe, how Doctor *Sacheve-'rell* could be charg'd with wreſting the Scripture? But none of the Biſhops offer'd to ſatisfie him. The Duke of *Hamilton* having ſaid ſomething in Favour of Doctor *Sacheverell*, he was anſwer'd by the Lord *Mohun*, to whom his Grace readily reply'd. But tho' the Duke of *Buckingham*, the Lord *Fevers*, the Earls of *Scarſdale* and *Abingdon*, and the Lord *Carmarthen* endeavour'd likewiſe to extenuate the Doctor's Offence; yet the Queſtion

* Volpone.

being

being put, That the Commons had made good the *Fourth Article of Impeachment*, it was Resolv'd in the Affirmative.

Thirty eight Lords enter'd their Dissent to the Question upon the second, third and fourth Articles, *For the same Reasons as was given against the Question upon the First*; viz.

Buckingham.	*Berkeley.*	*Bedford,*	*Torrington,*
Hamilton,	*Dudley,*	*Somerset,*	*Foley,*
Lexington,	*Northampton,*	*Stamford,*	*Hunt,*
Dartmouth,	*Rochester,*	*Pawlet,*	*Plymouth,*
St. Tho.	*Windsor,*	*Abingdon,*	*Northampton;*
W. Godolphin,	*Bruce,*	*Guilford,*	*Abergavenny,*
Tho. Hopton,	*H. Bathurst,*	*Oxford,*	*Guilford,*
M. Hawkins,	*Hampden,*	*Wilton,*	*Leigh,*
George Rook &	*Granville,*	*Craven,*	*Guernsey,*
Wells.	*Willoughby Br.*	*Suffex,*	

Then the Earl of *Wharton* said, That since the House had resolv'd, that *The Commons had made good their Four Articles of Impeachment* against Dr. *Sacheverell*, the Lords ought by a necessary Consequence, resolve and declare likewise, That the said Dr. *Sacheverell* was Guilty of the *High Crimes* and *Misdemeanors* charg'd upon him: But the Earls of *Abingdon*, and *Rochester*, the Lord-Treasurer, the Lord *North* and *Grey* and the Lord *Powers*, stating some Difficulties, and moving for a Debate it was propos'd, That the Question to be ask'd every Lord in *Westminster-Hall*, should be as follows.

'That the Commons having made good the several Articles of Impeachment against *Henry Sacheverell*, Doctor in 'Divinity, the said Doctor *Henry Sacheverell* is Guilty of 'High Crimes and Misdemeanors.

After which the Earl of *Nottingham* mov'd for adjourning the Debate, which was agreed to.

Accordingly on the 18th of *March*, the said Question, and the Order for adjourning the aforesaid Debate, being read, the Earl of *Rochester* mov'd, That the Judges should be call'd with: But on Perfect Inquiring that Precedent, the Lord *Guernsey* said, 'That the Question as stated, was not fit, as he apprehended, to be put in Westminster-Hall, because it would subject the Commons of England, and practice the Power from their Right of settling their Judges, both of the Bench, as well as of the Law: But as this Case stood, there might be Occasion to give their Judgment as Law, and then a Question of Voting would be [illegible]: Therefore his Lordship mov'd, That the

March 18th Debate about the manner of giving Judgment in Westminster-Hall.

Earl of Rochester, L. Guernsey, L. North and Grey.

'Part of the proper Question be left out. The Lord Bruce and Grey having risen, said, There was no Necessity of putting the Question in Westminster-Hall, but only to appease the Commons there, That Dr. Sacheverell was guilty in General: For, added his Lordship, how can any Peer that thinks him Not Guilty, as for my part, I don't say in the Face of the Commons He is not Guilty, and allow at the same time, that the Commons have made good their Articles of Impeachment! Hereupon the Earl of Wharton said, He wonder'd at the Lord Guernley's making that Motion, after the House had come to a Resolution, that the Commons had made good their Articles: That the Question, as stated by the Lord-Chancellor, did not preclude any Peer from his Right of giving his Judgment: For every Lord was at liberty to protest and enter his Dissent, if he would not be convinc'd by the Majority of the House: And that the Lords being in the Nature of a Jury, ought to deliver their Opinion Seriatim. The Lord Peyvers backed the Lord Guernsey's Motion; objecting against the Preamble of the Question as unnecessary; and urging, That 'twas only the Majority of the House, and not the House, that came to a Resolution, that the Commons had made good their Impeachment.

L. Peyvers.

L. Guernsey.

On the other Hand, the Lord Guernsey, in Answer to the Earl of Wharton said, That the Lords were not as a Jury, for every Lord was both a Judge and a Juror: That some Peers might think Dr. Sacheverell Guilty of one Part, and Innocent of the Other; and yet if they were to give their Judgment as this Question was stated, how could they say he was not Guilty, when the Preamble set forth, That the Commons had made good their Impeachment? The Earl of Wharton reply'd, That this Objection had been more proper, before the House had proceeded so far. However, the Earl of Rochester having mov'd, that the Preamble be left out, the Earl of Wharton, and the rest agreed to it, and thereupon the Lord-Chancellor stated the Question thus, 'That 'the Question to be put to each Lord in Westminster-Hall, in 'relation to the Impeach. &c. [illegible] Dr. Henry 'Sacheverell guilty of high Crimes and Misdemeanors? The

E. of Rochester.

E. of Wharton.

[illegible]

D. of Buckingham.

E. of Wharton.
E. Sunderland.
E. of Jersey.
L. Guernsey.

Lord Stuart.

E. of Rochester.

L. Shaftsbury
L. Paget.
E. of Mulgrave.
L. Jeffrys.

L. Halifax.

Affection, and said, *He wonder'd the Lord Westmorland did not know there were Precedents for Contents, or Not Contents*; and influenc'd in the Lord *Somers*'s Trial, in which the Lords gave their Judgment there Why?

L. *Guernsey.* On the other Hand, the Lord *Guernsey* insisted upon answering Guilty, or *Not Guilty*; and was seconded by the Lord-*Trevanion*, who said, *That there was a Difference between the Lords Voting*

in their House promiscuously, sometimes to Confession, and then giving Judgment in Westminster-Hall; and that

L. *Halifax.* *the Precedent mention'd by the Lord Halifax,*

E. of *Wharton.* *was an extraordinary one, made in an extraordinary Case.* The Lord *Halifax* moving for

E. of *Rochester.* *searching the Journals*; and the Earl of *Wharton*, *for following Precedents*; the Clerk search'd on, and read the Precedent of the Lord *Somers*'s Impeachment, in which the Peers gave Judgment by *Content*, or *not Content*: But the Earl of *Rochester* desiring that other Precedents might be search'd; and saying, 'That there was a 'Difference between the Lords Voting in their

D. of *Buckingham.* 'House, and in *Westminster-Hall*, the Duke of 'Buckingham answer'd, That the Tryal was 'the same in *Westminster-Hall*, as if the Lords 'were in their House; that they removed to the Hall, only 'for the spaciousness of the Place; and therefore the Question 'ought to be answer'd, as if they were in the

E. of *Ila.* 'House, *Content*, or *not Content*: To this the 'Earl of *Ila* reply'd, That *Content*, or *not Con-* 'tent, was a very improper, and unparliamentary Answer to 'the Question, *Is Dolben Baronet guilty of High-Crime,* 'Sc. And therefore either the Question ought to be alter'd, 'or the Answer be, *Guilty*, or *not Guilty*. Then the Lord 'Feversham endeavour'd to shew the Inconveniencies that might attend the putting the Question as propos'd, alledging, 'That

L. *Feversham.* 'some of the Peers there present, might have 'often be Impeach'd and Known, one has, the 'having such such a Precedent of giving Judg- 'ment generally. The Earl of *Anglesey* pursued the same Argument; adding, 'That if the Question was

E. of *Anglesey.* 'put, and Answer'd generally, the Majority of 'the People would not know what the Debate 'was Condemn'd for: To which the Lord *Chancellor* readily reply'd, That every Body could know the 'was either *Guilty*, or *not Guilty* of the Crime

Lord *Chancellor.* 'charg'd on him by the Impeachment of the 'House of Commons. But the Earl of *Mor-* insisted, 'That every Peer ought to be at Liberty

E. of *Mor.* 'to Vote *Guilty*, or *not Guilty*, as every Indi-

...ship withdrew it whilst he might. That though a majority ...of the House might decide the Controverted Question upon ...such Article, Viz. by the Method of a general Question, ...he might be assured of all which should immediately ...with the chief Method of Politics in that ...House. The Duke of Buckingham supported D. of Buck- ...the same side. That from the Judgment of the ingham. ...House in this Affair, he might be a Discourager ...of the Law, the Gentlemen of this People would be most mi- ...serable, we have Parliaments for High-Crimes and Misde- ...meanors, and not have an Opportunity of informing themselves, ...what the Crimes should be, which they could ...not know from this general Denomination, and that this ...Undermining in the Duke of Buckingham and Normanby, ...it might come from Popish Lords also, when they should ...form Definitions of the Church of England ...particularly that of Bishop Burnet. The Earl L. of Sa- ...of Anglesey asking for this Question, the Earl lisbury, ...of Shrewsbury insisted on the Inconsistency of Shrewsbury. ...Affirming Generally; Whereupon the Lord Lord Chan- ...Chancellor mentioned how inconsistent that cellor. ...might be, First, That Clergymen would ...know, that to preach against this Resolution was a High- ...Crime and Misdemeanor. Secondly, That to preach against ...the Toleration. Thirdly, Against the Union; that Scotch- ...by, To withdraw the Queen's Affections, and Subjects, That ...the Church is in Danger under Her Majesty's Administra- ...tion, were likewise High-Crimes and Misdemeanors: Hap- ...(all the Lordship) are the only Inconsistencies that I can ...foresee will attend this Judgment; which humbly Prays sub- ...mitting your Majesty of the Affirmative. ...The Earl of Warton calling about for the Ques- Duke of ...tion, the Duke of Shrewsbury said, That he Shrewsbury, ...did not think the Duke guilty of the first ...Article: For as he had as great a Share as any Man in the ...late Revolution, so he would ever go as far as any to vindi- ...cate the Memory of our late glorious Deliverer. That tho' ...he thought the Church safe under her Majesty's Administra- ...tion, yet he would not have it made a High-Crime and ...Misdemeanor, to say, That the Church is in Danger; because ...Things may come, when it might really be in Danger: And ...in the Commission, insisted on Voting Article by Article. The ...Lord Cowper, the Earl of Anglesey, and the Earl of Not- ...tingham did the like; but the same being opposed by some ...other Peers, the Lord Chancellor did, at last, propose this ...Question, Whether the Answer to be given by each Lord should ...be Guilty, or not Guilty, only; which being resolv'd in the Affir- ...mative; then the again Question was put, whether it should be

1641. Mr. Henry Sacheverell, Doctor in Divinity, Author of that Crime; and Mr. Hammond, Chaplain to the Lord [illegible] of the House of Commons, [illegible] Impeachment [illegible] Articles; That several Lords entred the following Protestation,

Protestation of several Lords against the Manner of giving Judgment against Dr. Sacheverell.

First, We solemnly Covenant, that the Judgment given against Dr. Sacheverell, [illegible] Articles, [illegible] Crime, [illegible] Law, the Condition of the People will be [illegible] have Parliaments for High Crimes and Misdemeanors, and yet have a Definition of [illegible] Crimes thereby punishable; for the People only Guilty by Law, and they can expect no Security for what they can expect to be [illegible] Crime being in the Gift of a Corrupt [illegible] may possibly create [illegible] some Doctrines of the Church of England, [illegible] New-Reflections, and may be made use of by all Courts, as an Excuse for the Neglect of their Duty, which may [illegible] in regard of them, even by the Laws of the Lands

Buckingham, Manchester, Bedford, Pembroke,
Hereford, Bedford, Salisbury, Northampton,
Essex, Bolingbroke, Winchester, Rivers,
Lexington, Bath, Hertford, Scudamore,
Northumberland, Northampton, E. Rivers, Berkeley,
Norfolk, Peterborough, Exeter, Norris of Rycot,
St. York, Rochester, Bristol, Lovelace,
W. Oxford, Cornwallis, Barnard, Abergavenny,
Tho. Coffins, Warton, Fitzwarren, Foley,
M. Dunstable, Craven, Ossory, Lucas of
Shrewsbury, Hampton, Gr. Hale and Wells, Grantham,
Willoughby &c. Lords.

¶ On *Monday* the 20th of *March*, the Lords, pursuant to the Order of Saturday last, adjourned into *Westminster-Hall*, still being there, till the Commissions of the whole House having taken their Places, the said Lord Chancellor said,

March 20. The Lords adjourn to Westminster-Hall.

Your Lordships having fully heard and considered all the Evidence and Arguments in this Case, have agreed upon a Question, which is severally to be put to your Lordships in the usual Order: The Question is this; That Doctor *Henry Sacheverell* is Guilty of High Crimes and Misdemeanors charged upon him by the Impeachment of the House of Commons:

Lord *Aylmer*, What is your Lordship's Opinion; is Doctor *Henry Sacheverell* Guilty of High Crimes and Misdemeanors, charged on him by the Impeachment of the House of Commons?

Lord *Aylmer*, Guilty.

The same Question was severally put to the rest, whose Names and Votes are as follow.

GUILTY.

Lord *Harvey*,
Lord *Hobart*,
Lord *Hervey*,
Lord *Ossulston*,
Lord *Cromartie*,
Lord *Basing*,
Lord *Colepeper*,
Lord *Byron*,
Lord *Abbot*,
Lord *Hinchinbroke*,
Lord *Paget*,
Lord *Bateman*,
Lord *De la War*,
Bishop of *St. Asaph*,
Bishop of *Norwich*,
Bishop of *Lincoln*,
Bishop of *Oxford*,
Bishop of *Peterborough*,
Bishop of *Ely*,
Bishop of *Bristol*,
Earl of *Bath*,
Earl of *Gainsborough*,
Earl of *Aylesbury*,
Earl of *Scarsdale*,
Earl of *Orkney*,
Earl of *Leven*,
Earl of *Strathmore*,
Earl of *Crawford*,
Earl of *Cholmley*,
Earl of *Wharton*,
Earl of *Greenwich*,
Earl of *Granthan*,
Earl of *Oxford*,
Earl of *Bradford*,
Earl of *Warrington*,
Earl of *Portland*,
Earl of *Rochford*,
Earl of *Berkeley*,
Earl of *Radnor*,
Earl of *Carlisle*,
Earl of *Rockingham*,
Earl of *Winchilsea*,
Earl of *Wharncliffe*,
Earl of *Rivers*,
Earl of *Macclesfield*,
Earl of *Westmorland*,
Earl of *Rochford*,
Earl of *Berkeley*,
Earl of *Dunmore* and *Annesley*,
Earl of *Litchfield*,
Earl of *Derby*,
Marquiss of *Dorchester*,
Lord Chamberlain of the Household,

Duke of *Devon*,
Duke of *Roxborough*,
Duke of *Montrose*,
Duke of *Bedford*,
Duke of *Schomberg*,
Duke of *Bolton*,
Duke of *St. Albans*,
Duke of *Grafton*,
Duke of *Richmond*,
Duke of *Cleaveland* and *Southampton*,
Lord Steward,
Lord Privy Seal,
Lord President,
Lord Treasurer,
Lord Chancellor,

Lord *Forrers*,
Bishop of *Chester*,
Bishop of *Bath* and *Wells*,
Bishop of *Rochester*,
Bishop of *Durham*,
Bishop of *London*,
Lord Viscount *Weymouth*,
Lord Viscount *Say* and *Sele*,
Earl of *Bruthenal*,
Earl of *Wilton*,
Earl of *Bath*,
Earl of *Poulet*,
Earl of *Jersey*,
Earl of *Scarborough*,
Earl of *Winchelsea*,
Earl of *Abingdon*,
Earl of *Rochford*,
Earl of *Nottingham*,
Earl of *Yarmouth*,
Earl of *Suffex*,
Earl of *Anglesey*,
Earl of *Scarsdale*,
Earl of *Thanet*,
Earl of *Berkshire*,
Earl of *Denbigh*,
Earl of *Northampton*,
Earl of *Pembroke*,
Duke *Hamilton*,
Duke of *Buckinghamshire*,
Duke of *Leeds*,
Duke of *Shrewsbury*,
Duke of *Northumberland*,
Duke of *Beaufort*,
Duke of *Ormond*,
Archbishop of *York*,

Not GUILTY.

Lord *Cowper*,
Lord *Guernsey*,
Lord *Haversham*,
Lord *Weston*,
Lord *Leinster*,
Lord *Guilford*,
Lord *Stawell*,
Lord *Dartmouth*,
Lord *Osborne*,
Lord *Craven*,
Lord *Berkely* of *Stratton*,
Lord *Lexington*,
Lord *Leigh*,
Lord *Howard* of *Escrick*,
Lord *Chandos*,
Lord *North* and *Grey*,
Lord *Willoughby* of *Broke*,

Some Time having been spent by the Lord Chancellor in numbering the Opinion of the Lords, his Lordship said then, he had cast them up with as much Exactness as he could, and he found that there were of their Lordships present in all One hundred twenty one; of these Sixty nine of their Lordships had found Doctor *Henry Sacheverell* guilty of the High Crimes and Misdemeanors charged on him by the Impeachment of the House of Commons, and Fifty two had found him not Guilty.

Then Doctor *Henry Sacheverell* was brought to the Bar, and kneel'd 'till he was bid so stand up by the Lord Chancellor,

who told him, Doctor *Henry Sacheverell*, *The Lords having fully considered of your Case, have found you Guilty of High Crimes and Misdemeanors, charged on you by the Impeachment of the House of Commons.*

Then *Doctor Sacheverell* said, My Lords, One of your Lordships Officers acquainted me, that it was your Lordships Order that neither I nor my Council might have the Privilege of standing at the Bar while your Lordships were giving your Opinions whether I was Guilty of the Crimes laid to my Charge, by which means I was prevented from offering several Matters to your Lordships Consideration, in Arrest of Judgment, which I now beg leave to offer to your Lordships Consideration, and I desire my Council may be heard to them. The first is, That no entire Clause, Sentence or Expression, contained in either of my Sermons or Dedications, is particularly set forth in my Impeachment, which I have already heard the Judges declare to be necessary in all Cases of Indictments or Informations.

I desire to add another Exception, That the Impeachment is by the Knights, Citizens and Burgesses, Commissioners of Shires and Burghs, in the Name of Themselves and of all the Commons of *Great Britain*; but the Articles are only by the Knights, Citizens and Burgesses, in the Name of Themselves, and of all the Commons of *Great Britain*; which is neither agreeable to the Impeachment, nor to the Title of the House of Commons since the Happy Union.

Upon the Lords Adjourning to the House above; where they took into Consideration the Matter moved by Doctor *Sacheverell* in Arrest of Judgment; and thereupon ordered,

That this House will, To-Morrow at Eleven of the Clock, take into Consideration what Censure to pass upon the said Doctor *Henry Sacheverell*.

Accordingly on the 21st of *March* the Lords met to Consideration, What Censure to give upon *Henry Sacheverell*, Doctor in Divinity.

March 21st Debate in the House of Lords about the Censure to be past on Dr. Henry Sacheverell.

And it being propos'd as follows,

First, That Dr. *Henry Sacheverell* be enjoyn'd not to Preach during the Term of Seven Years.

Secondly, That for the same Term of Years, he be made incapable of acquiring any other Ecclesiastical Benefice, than what he now enjoys.

Thirdly, That he be imprisoned in the Tower, for three Months, and pay the final Charges for his said Imprisonment during the Term of Seven Years, before the Lord Chief Justice.

That the Question be put by the Paragraph, at the Table, in the Presence of the Lord Chancellor.

Upon the House took the proposed Question into Consideration, Paragraph by Paragraph; and after Debate upon the first Paragraph,

It

It was agreed to leave out the Word (Seven) and it being propos'd instead thereof to insert the Word (Three.)

The Question was put,

Whether the Blank in the first Paragraph shall be fill'd up with the Word (Three.)

It was Resolved in the Affirmative.

Then the Question was put,

That Dr. *Henry Sacheverell* shall be enjoyn'd not to Preach during the Term of *Three* Years.

It was Resolved in the Affirmative.

Then the second Paragraph propos'd, was,

That Dr. *Henry Sacheverell* be made incapable of Receiving any Ecclesiastical Benefice for the space of Three Years.

And after Debate thereupon: This Question was put,

That Dr. *Henry Sacheverell* be made incapable of Receiving any further Ecclesiastical Benefice during the said Term of Three Years.

It was Resolved in the Negative.

Then the third Paragraph propos'd, was,

That Dr. *Henry Sacheverell* shall be imprisoned in the *Tower* for three Months, and until he find Sureties for his good Behaviour.

This was not insisted on.

Then the fourth Paragraph propos'd, was,

That Dr. *Sacheverell*'s Two Sermons be Burnt by the Hangman at the *Exchange*, in the Presence of the Lord Mayor and Sheriffs.

And after further Debate, this Question was put,

That the Two Printed Sermons of Dr. *Henry Sacheverell*, reflected to by the Impeachment of the House of Commons, shall be Burnt before the *Royal-Exchange* by the Hands of the Common-Hangman, in the Presence of the Lord-Mayor of *London*, and the Two Sheriffs of *London* and *Middlesex*.

It was Resolved in the Affirmative.

It is Order'd by the Lords Spiritual and Temporal in Parliament Assembled, that the Judgment to be pass'd in the Cause of Dr. *Henry Sacheverell*, shall be:

That *Henry Sacheverell*, Doctor in Divinity, shall be, and is hereby enjoyn'd not to Preach during the Term of Three Years next ensuing.

That Dr. *Henry Sacheverell*'s Two Printed Sermons reflected to by the Impeachment of the House of Commons, shall be Burnt before the *Royal-Exchange* in *London*, between the Hours of Twelve and One, on *Monday* the 13th Day of this instant *March*, by the Hands of the Common-Hangman, in the Presence of the Lord Mayor of the City of *London*, and two Sheriffs of *London* and *Middlesex*.

Dillingham,

Dilkinfield,
Sir Ph. [illegible],
[illegible],
[illegible],
[illegible],
[illegible],
[illegible] Grey,
[illegible],
[illegible],
[illegible],
[illegible],
Sandiford,
Thorne,
[illegible],
[illegible],
[illegible],
Ath. Haffe.
L. Rowe,
Guilford,
Wallingford,
Cholmondeley,
[illegible],
[illegible],
[illegible],
[illegible],
Cotton,
Harcourt,
Southampton,
Northampton,
Gowry,
Gibbs,
Pigott,
Sydny,
Worsley,
Gower,
Granville,
Lisle.

The same Day, a Motion was made and the Question put in the House of Commons, That the Thanks of this House be given to the Members who were appointed the Managers of the Impeachment against Doctor *Henry Sacheverell*, for their faithful Management in the Discharge of the said Trust reposed in them: Which, after a Debate thereupon, was carryed in the Affirmative, by a Majority of 175 Voices against 185. And Mr. Speaker gave them (they standing up in their Place) the Thanks of the House accordingly.

The Commons resolve their Thanks to the said Managers, March 21st.

On the 22d of *March*, the Lords sent a Message to the House of Commons to acquaint them, That their Lordships were ready to give Judgment in the Case of *Henry Sacheverell*, Doctor in Divinity, if they with their Speaker would come and demand the same: Whereupon, it was debated, whether the House should demand Judgment? Most of the Doctor's Friends were for the Negative, hoping that the rest who thought the Sentence too moderate, would have joyn'd with them; which would have ended in the Doctor's Impunity; and perhaps, occasion'd a Misunderstanding between the two Houses: But the above-said Members joining with them, it was resolv'd (by a Majority 167 Voices against 117) that the Commons would demand Judgment of the Lords against Dr. Henry Sacheverell.

The Commons resolve to demand Judgment against Dr. Sacheverell.

Those Gentlemen who oppos'd the Doctor's Prosecution in every Step of it, and spoke on this Occasion against Demanding Judgment, urg'd, "That the Lords could not give Judgment, unless the Commons demanded it: And that the Gentlemen were at Liberty, whether they would demand it or not, according to the Reasons given by the Commons, whereby he stood to be prosecuted at the Tryal of the Earl of *Stafford*, as a Committee of the whole House, That they held it *fit and necessary, that all the Members should be present at the Hearing, to the end every one might satisfy his own Conscience, in the giving his Vote to demand Judgment*: And when they had given their Votes, no Judgment was demanded. That in the

the present Case, they were against demanding Judgment, because of the Precedent of this Proceeding, which might be very dangerous to innocent Men hereafter; for none could be safe, if *Innuendo's*, and strain'd Constructions, should be admitted for Evidence. That they thought, the Lords had made dangerous Precedents, in taking upon them to declare the Law and Usage of Parliament, without one Precedent for it; and directly contrary to many; for the Case of Dr. *Manwaring* could not be a Precedent, he submitting and pleading Guilty. That the Lords also put the Question of *Guilty* upon all the Articles together, which was such a complicated Question, they could not give their Vote freely: And it was said to be a Reason, why some of them did not Vote. And thus the Lords, who are both Jury and Judges, were not under the Obligation of an Oath, or upon their Honour. But these Arguments were answer'd and over-rul'd by the Majority of the House.

March 23. On *Thursday*, the 23d of *March*, a Message was brought from the Commons to the House of Lords, to acquaint their Lordships, That the House of Commons, with their Speaker, did intend immediately to come to the House of Lords to demand Judgment against Doctor *Henry Sacheverell*, and therefore desir'd that the Painted Chamber and Passage to the House (of Lords) might be clear'd.

The Messengers were called in and told, the Lords would give Order as desired.

Which was done accordingly.

Then the House of Lords Adjourned during Pleasure, to Robe.

And being returned,

The Commons, with their Speaker, being present at the Bar of the House of Lords,

The Deputy-Gentleman Usher of the Black-Rod brought the Prisoner to the Bar, who, after low Obeysances made, kneel'd, until the Lord-Chancellor bid him stand up.

Then the Speaker of the House of Commons said as followeth, *viz.*

My Lords, The Knights, Citizens and Burgesses in Parliament assembled, in the Name of themselves and of all the Commons of Great Britain, did at the Bar Impeach Doctor Henry Sacheverell of High Crimes and Misdemeanors, and did exhibit Articles of Impeachment against him, and have made good the same.

I do therefore, in the Name of the Knights, Citizens and Burgesses in Parliament Assembled, and of all the Commons of Great Britain, demand Judgment of your Lordships against the said Henry Sacheverell, for the said High Crimes and Misdemeanors.

Then

Then the Lord-Chancellor said,

Mr. Speaker, The Lords are now ready to proceed to Judgment in the Cafe by you mention'd.

Doctor *Sacheverell*, The Lords having found you Guilty of High Crimes and Misdemeanors, charg'd on you by the Impeachment of the Houfe of Commons; and you being thereupon Admitted to the Bar, and acquainted therewith, moved two Things in Arreſt of Judgment.

First, That no ventre Claufe of either of the Books or Sermons referr'd to in the Impeachment, is ſpecify'd, or particularly ſet forth, in any of the Articles of Impeachment.

Secondly, That in the Title of the Articles exhibited by the Commons the Stile of the Commons runs thus,

The Knights, Citizens and Burgeſſes in Parliament aſſembled, in the Name of themſelves, and of all the Commons of Great Britain, &c. Omitting the Words, Commiſſioners of Shires and Burghs.

I am to acquaint you, That the Lords took theſe Points into Conſideration.

I. And as to the Firſt, they found

That on Occaſion of the Queſtion before put to the Judges in *Weſtminſter-Hall* in this Cafe, and their Anſwer thereto, their Lordſhips had before fully debated and conſidered of that Matter, and had come to the following Reſolution:

That this Houſe will proceed to the Determination of the Impeachment of Doctor *Henry Sacheverell*, according to the Law of the Land, *and the Law and Uſage of Parliament*.

And after to this Reſolution;

That *the Law and Uſage of Parliament*, in Proſecutions by Impeachments for High Crimes and Miſdemeanors, by Writing or Speaking, the particular Words ſuppoſed to be Criminal *are not neceſſary* to be *expreſly ſpecify'd* in ſuch Impeachments.

So that, in their Lordſhips Opinion, the Law and Uſage of the High Court of Parliament being a *Part of the Law of the Land*, and that Uſage not requiring the Words ſhould be expreſly ſpecify'd in Impeachments, the Anſwer of the Judges, which related only to the Caſe as'd in Indictments and Informations, does not in the leaſt affect your Caſe.

II. As to the Second,

Their Lordſhips finding that in the Act made in the Sixth Year of Her moſt Majeſty, *For vending the Union of the Two Kingdoms more eaſie and compleat*, the Terms *Commiſſioners of Shires, and Burghs of the Shires, Commiſſioners of Burroughs*, are uſed as Synonimous Terms, ſignifying the ſame Things; They were clearly of Opinion there was no Weight in that Exception, and accordingly Overruled the ſame, without entring into the further Conſideration,

tion, how far a Mistake in the Title of the Articles should Vitiate or Avoid an Impeachment, if such a Mistake had happen'd.

So that the Lords find themselves oblig'd by Law to proceed to Judgment against you, which I am order'd to pronounce.

And in which you cannot but observe an extreme Tenderness towards your Character, as a Minister of the Church of England.

Therefore this High-Court doth adjudge as followeth,

That you, Henry Sacheverell, Doctor in Divinity, shall be, and you are hereby enjoin'd not to Preach during the Term of Three Years next ensuing.

Judgment pronounc'd against Doctor Sacheverell.

That your two printed Sermons, referr'd to by the Impeachment of the House of Commons, shall be Burnt before the Royal-Exchange in London, between the Hours of One and Two of the Clock, on the Twenty seventh Day of this Instant March, by the Hands of the Common Hangman, in the Presence of the Lord-Mayor of the City of London, and the Sheriffs of London and Middlesex.

Then the Speaker with the Commons return'd to their House; and Doctor Sacheverell being withdrawn,

The House was Adjourned during Pleasure, to Morrow.

It is Ordered by the Lords Spiritual and Temporal in Parliament assembled, That Doctor Henry Sacheverell's two printed Sermons, one preach'd at Derby Assizes, and the other at St. Paul's, London, referr'd to by the Impeachment of the House of Commons, shall be Burnt before the Royal-Exchange in London, between the Hours of One and Two of the Clock, on the Seven and twentieth Day of this Instant March, by the Hands of the Common Hangman, in the Presence of the Lord-Mayor of the City of London, and the Sheriffs of London and Middlesex.

Orders of the Lords for Burning Doctor Sacheverell's Sermons, and other Books, &c.

To the Lord-Mayor of the City of London, and the Sheriffs of London *and* Middlesex.

The House taking into Consideration a Judgment and Decree of the University of Oxford, pass'd in their Convocation the One and twentieth of *July*, One thousand Seven hundred eighty three, given in Evidence by Doctor Henry Sacheverell in his Tryal, upon the Impeachment of the House of Commons, and thereupon lately Reprinted, &c. is Resolved by the Lords Spiritual and Temporal in Parliament assembled, That

This

That the said Judgment and Decree contains in it several Particulars contrary to the Constitution of this Kingdom, and Resolutions of the Parliament [illegible] Years [illegible] of Commons, declared by the Lords Spiritual and Temporal in Parliament assembled, That the said Judgment and Decree, lately Printed and Published in a Book or Pamphlet, intitled, *An Humble Confutation of Mr. Bradley's Book of the Rights of Commons*, taken from the London Gazette, Published by Authority, London, Printed in the Year 1710, shall be Burnt by the Hands of the Common Hangman, in the Presence of the Sheriffs of *London* and *Middlesex*, at the same Time and Place when and where the Sermons of Doctor *Henry Sacheverell* are ordered to be Burnt.

To the Sheriffs of London and Middlesex.

The Commons being return'd to their House, the Lord-Mayor of *London*, who was not a little mortify'd at his being, by the Lords Sentence, obliged to assist at the Burning of a Sermon he had approv'd, and the Printing whereof (as Doctor *Sacheverell* affirms in his Dedication) he had Commanded, desired and mov'd, That he might be excus'd from Attending at the said Execution, by being a Member of the House. And a Debate arising thereupon, the same was put off till the House was Informed what Answer the Lord-Mayor had returned to the Sheriffs, when they should demand of him, whether he would Attend, or not. And so that Matter drops.

The Lord-Mayor moves to be excus'd from attending at the Burning of the two Sermons.

On the 20th of *March*, there was a great Debate in the House of Commons upon a Motion, That [illegible] Lords, that he graciously pleased to Direct [illegible] Her Royal Intention, to appoint a Day [illegible] and Humiliation, to Implore [illegible] Favour, which they [illegible] Assurance of their [illegible] which had been granted, published and [illegible] Queen, Commissioners, Her repeated Declarations, [illegible] Parliament, the Laws in Force, [illegible] the Assurance, and the several Professions [illegible] Queen. Those who spoke and backed [illegible] Doctor *Sacheverell*'s Friends, alledged that [illegible] Parliament, when he had observed in his Sermon [illegible] being in Danger, which, in his Opinion, [illegible] on the Immoral and Irreligious Practices [illegible] that House, other Members, who spoke [illegible] of that Motion, proposed, that no Day

Motion and Debate in the House of Commons about an Address for a Fast.

fixed

said Address the following Words should be added, 'Many of 'which Blasphemous Books again, in a most irregular, unusual 'manner, and without Warrant been printed, published, and 'dispers'd throughout the Kingdom, to the Scandal of all 'good Christians, by Doctor Henry Sacheverell, during the 'Course of his late Trial. Those who made the Motion, for 'adding this Addition, would have dropt the Address; but the 'others insisting that it should be preserved; the Question was put, and resolv'd, in the Affirmative, by a Majority of 144 Voices against 69: However, when the said Address was, by Mr. Secretary Boyle, presented to Her Majesty, She was pleas'd to return this Answer:

The Queen's Answer to that Address.

A publick Fast having been in this part of the Kingdom on the Fifteenth of this Month, which is yet to be observ'd in North Britain *on the Twenty ninth, Her Majesty thinks it not proper to appoint another Fast so soon, but will take it into Her Consideration at a more convenient Time.*

The same Day (*March* the 24th) a Complaint being made to the House of a printed Book, intitl'd, *Collections of Passages referr'd to by Doctor* Henry Sacheverell, *in his Answer to the Articles of Impeachment, under four Heads,* 1. *Testimonies concerning the Doctrine of Non-Resistance to the supreme Powers.* 2. *Blasphemous, Irreligious, and Heretical Positions, lately publish'd.* 3. *The Church and Clergy abus'd.* 4. *The Queen, State and Ministry reflected upon. The second Edition.* Which Book was produc'd, and brought up to the Table, where some Paragraphs (under the Head of Blasphemy, Irreligion and Heresy) were read? after which, it was order'd,

Dr. Sacheverell's Quotations order'd to be burnt.

That the said Book should, the next Day, be burnt by the Hands of the Common Hangman; and that the Sheriffs of London and Middlesex should assist the Serjeant at Arms attending the House, in seeing the said Book burnt.

The next Day, (*March* the 25th) upon a Complaint made to the House, by Dr. Sacheverell's Friends, of a printed Book, intitl'd, *The Rights of the Christian Church asserted, against the Romish, and all other Priests, who claim an independent Power over it, with a Preface concerning the Church of England, as by Law established.* And also of another printed Book, intitl'd, *A Defence of the Rights of the Christian Church, in two Parts. Part the First. All Wisemen's Plagiarism thereon, proved at large. Part the Second, Occasioned by two late Indictments [illegible] fellow, and his Servant, for selling one [illegible] with some Tracts of Hugo Grotius, and [illegible] Romes. The second Edition, Corrected. To [illegible] Letter from a Country Attorney to a Country [illegible]*

ing the Right of the Church, never publiſh'd before. And likewiſe Monſieur Le Clerc's *Extract and Judgment of the ſaid Book, tranſlated from his* Bibliotheque Choiſie. London, *printed in the Year* MDCCIX. The ſame were produc'd, and brought up to the Table; and ſome Paragraphs and Paſſages therein contain'd being read, it was reſolv'd, *That the ſaid Books are Scandalous, Seditious, and Blaſphemous Libels, highly Reflecting upon the Chriſtian Religion, and the Church of* England, *and tend to promote Immorality and Atheiſm, and to create Diviſions, Schiſms, and Factions among Her Majeſty's Subjects*; *and order'd, That the ſaid Book be that Day burnt by the Hands of the common Hang-man.* A Complaint being likewiſe made to the Houſe, of a printed Book, intitl'd, *Tractatus Philoſophico Theologicus de Perſona: Or, a Treatiſe of the Word* Perſon; *ſhewing*, 1. *How it ſignifies in reſpect of Men.* 2. *How it came in Uſe, with reſpect to the Deity.* 3. *How it hath been us'd ſince by Divines.* 4. *How it is to be underſtood, with reſpect to the Doctrine of the Trinity, as held by the Church of England, and eſtabliſh'd by our Laws, and particularly by the Act* 9 *and* 10 *of* William *the Third. By* John Cleadon, *of the* Inner-Temple, *Eſq*; *Printed for* John Walthoe, *in the* Middle-Temple *Cloyſters*; the ſame was produc'd, and brought up to the Table, and ſome Paſſages therein being read, it was reſolv'd, 'That the ſaid printed Book is a Scandalous, Seditious, and Blaſphemous Libel, highly Reflecting 'upon the Chriſtian Religion, and Church of *England*, and 'tends to promote Atheiſm, Schiſm and Immorality; and to 'create Factions and Diviſions among Her Majeſty's Subjects; Ordered, that the ſaid Book be that Day burnt by the Hands of the common Hang-man; and reſolv'd, That an humble Addreſs be preſented to Her Majeſty, 'That She would be 'graciouſly pleas'd to direct Her Attorney-General to Proſe-'cute the Authors of the ſaid printed Books, and the Publiſh-'ers thereof, and the Authors and Publiſhers of all other 'Scandalous, Seditious and Schiſmatical, Atheiſtical and 'Blaſphemous Books.

Other Blaſphemous Books ord'er'd likewiſe to be burnt.

According to the Orders of the Commons, Dr. *Sacheverell's* Collections, and the Books they had cenſur'd, were that Day burnt in the *Pallace-Yard, Weſtminſter*, as were the *Monday* (*March* the 27th) following, before the *Royal-Exchange*, the Doctor's two Sermons; as alſo the Decree made by the Univerſity of *Oxford*, in *July*, 1683, aſſerting the Doctrine of Paſſive-Obedience and Non-Reſiſtance.

Dr. *Sacheverell's Several Books, and* Dr. Sacheverell's *Collections and Sermons. As alſo the Decree of the Univerſity of Oxford.*

A LIST of the Members of the Honourable House of Commons, for *England* and *Wales*, who, in some or other of the Questions upon the Impeachment of Dr. *Henry Sacheverell* for High Crimes and Misdemeanors, voted for and against him.

Note, *Those with this Mark* [†] *were for the* Doctor. *The rest against Him. The* Managers *are mark'd thus* [**].

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VIRGINIA.

THE Lord *Haversham's* SPEECH,

Which was not Published 'till some time after the Tryal, was as follows:

MY LORDS,

Lord Haversham's *Speech.*

WHEN I consider where this Impeachment first began, I cannot but think the Design of it was very good; but whatever it was in its first Intendment, 'tis very evident, it has already produced very mischievous Effects; it has created great Disturbances in private Families, and Tumults amongst the People, and raised a Ferment in the Nation, that will not be laid by your Lordships Judgment, let that be what it will. It has been a two-edged Mischief; giving the Church on the one side, and the Dissenter on the other, too just Apprehension, that they are both in danger. Nor can this be wondered at, when your Lordships have been told, by some of the Managers, of a pretended Divine Right of the Church; and when it has been more than hinted by the Managers at the

House of Commons, That the Clergy ought to be directed by the Civil Power, what Doctrines they should teach; Nay, when they have authoritatively taken upon them to interpret Scripture, and charged it as a Crime upon a Minister, that he had wrested several Places of it, to his own wicked Intentions.

My Lords, After so noble a Defence made for the Doctor by his Council, and so great and moving an Apology by himself, I should not trouble your Lordships upon this Occasion, were it not more in Justification of my self, for the Judgment I shall give, than for the sake of the Doctor, whose Cause, I think, now stands in very little need of it.

I was, *My Lords*, a Sufferer in the late Reigns, as well as others; I was in the Convention-Parliament, and in the Vote of Abdication; and am at this day of the same Principle I was then; and yet, notwithstanding this, I am not ashamed to say to your Lordships, that I think my self obliged, in Justice, to acquit the Doctor from the Charge brought against him in this Article. And tho' this may seem strange to some of your Lordships, yet, I hope it will not appear so very strange as to see Bishops vote against their own Doctrines, and Dissenters in the midst of a Mobb, that are pulling down Meeting-Houses; especially, after the Reasons I shall offer to your Lordship's for the support of my Opinion.

I shall not trouble your Lordships about the Original of Government, or the divers Forms of it; your Lordships heard that learnedly discoursed on by one of the Managers of the House of Commons below: But there is one thing, *My Lords*, that if my Memory serves me right, that Gentleman omitted, and it is a Matter too that I take to be of the greatest Consequence to any Government whatsoever; I mean, the Divine Appointment, or Institution of Government it self; from which Appointment it is, that Men are obliged to Obedience to the Magistrate, not only for Wrath, or Fear of him, but for Conscience-sake, for Dread of a future Punishment, which is the greatest Security the Magistrate has. And I the rather mention this, because of Notions that some People have of late advanced of their own, (and

have

have found their Advantage too in so doing) of a Discretionary-Obedience only; that is, in my Opinion, whilst the Government is for them, they will be for it; and think themselves bound to obey no longer. It is not necessary, to the Proof of this Divine Authority, to fix the just Time, and Place, when and where, and how the Knowledge of it was first communicated to Mankind; it is enough, that we have it as expresly, as plainly, and as clearly declared, as can be put into Words, that it is so.

There is another thing, *My Lords*, that in general, I would mention to your Lordships, before I come to the Article it self, which may otherwise be the Occasion of some Mistake in this Debate; we are not now judging according to our own Notions of Politicks, or determining how far Resistance or Non-Resistance is lawful. It would be a strange Rule of Judgment, to find any Man guilty for the sake of one's own private Opinion, and for the establishing a *Doctrine* which he likes, and his Neighbour does not. But the only Question before your Lordships is, whether, and how far, the House of Commons have made good their Charge against the *Doctor*. And, I take Liberty to say plainly to your Lordships, that, in my Opinion, they have been very far from making good their Charge against him in this Article.

My Lords, to prevent the least Mistake, I shall read the Words of the Article to your Lordships, as they stand in the Impeachment.

" He, the said *Henry Sacheverell*, in his said Sermon " preach'd at St. *Pauls*, doth suggest and maintain, That " the necessary Means us'd to bring about the said hap- " py Revolution, were odious and unjustifiable: That " his late Majesty, in his *Declaration*, disclaimed the " least Imputation of Resistance, and that to impute " Resistance to the said Revolution is to cast black " and odious Colours upon his late Majesty and the said " Revolution.

The *Doctor* in this Article is charg'd with having maintain'd, *That the necessary Means used to bring about the late happy Revolution were odious and unjustifiable.* To support this, the Commons say, That having asserted the

the general Proposition of the Unlawfulness of Resisting the Supreme Power, and not having excepted the particular Case of Resistance that was made use of as a Means to bring about the late happy Revolution; he does thereby reflect both upon that Means and upon the said Revolution. In Answer to this, there have been Two Things insisted upon to your Lordships, in behalf of the Doctor, by his Council: First, That in Cases of such a Nature as this, the Exception is always tacitly implyed in the general Rule; and there was a very unanswerable Instance brought in Proof of this, at least to most of your Lordships; it was the Oath of Allegiance to King *James*; all those that took that Oath took it in general Words, and yet such an Extraordinary Case as the Revolution was excepted, tho' not expressed by those that took that Oath. The next was, the Doctor, say they, would have been more justly blam'd, had he mentioned all the Cases of Exception, which extraordinary Cases ought to answer for themselves, whenever they fall out.

And tho' *My Lords*, these Two be a full Answer, yet there are two Things more, I think with Submission may be added to it, which have not as yet been taken Notice of.

The first is, *My Lords*, That the Proof against the Doctor is drawn by Consequences of the Commons own making, which he himself disowns; and I appeal to that Reverend and Learned Bench, who are great Masters of Controversy, whether it is not an Established Rule amongst all Learned Men that have the least spark of Ingenuity, that no Man ought to be charg'd with Consequences, let them appear to his Adversary never so clearly and undeniably to follow from his Assertion, when he himself denies those Consequences. This is so known a Maxim, in all Disputes between Protestants and Papists, and between Protestants themselves, that it cannot be deny'd. Now, the Doctor himself denying, as he does, that he had the least Thought of including the Revolution under the general Assertion, or that he apply'd his Doctrine of *Non-Resistance* to that Case, cannot, without the Highest Injustice, be charged with Consequences, which he himself utterly denies.

In

In the next place, it is impossible, in my Opinion, to prove that Resistance was made use of as a Means to bring about the late happy Revolution; and consequently, is not within the Doctor's general Maxim.

Means, *My Lords*, is a relative Term, and refers to some End; and the End and *Design* of the Prince of *Orange* in his coming hither, and of those that join'd him when he was here, being to have the Nation and Rightful Succession secured by a free Parliament, it follows, that whatever Force was at that Time made use of, could not be made use of as a Means to bring about an End which was never intended.

Far be it from me, *My Lords*, to lessen that great Undertaking to deliver us from Popery and Arbitrary Power; and tho' the Glory of that Enterprize is wholly attributed to King *William*, 'tis certain, her present Majesty had her Share in it, however that is forgotten: For, give me leave to say, that had not Her Majesty countenance'd the Undertaking of the Prince of *Orange* with her Assistance, in my Opinion, the Success had been very dubious.

Now is it possible, *My Lords*, to imagine, that it was ever the *Design* of Her Majesty, or those that join'd the Prince of *Orange*, to take the Crown off King *James*'s, and put it upon King *William*'s Head?

No, *My Lords*, the avowed great *Design* was quite otherwise, as appears by the *Declaration* it self, which was read below: It was to restore and secure our Laws from the Invasions that had been made upon them by Arbitrary Power: It was to secure that Right, that all the World knows the Princess had to the Succession of the Crown, and to have every thing settled by a free Parliament, and not to make a Revolution by dethroning King *James*. This the Prince himself owns, when he says in his *Declaration*, *he had no other Design in Coming hither, but a free Parliament.*

My Lords, I take it to be of most dangerous Consequence, to judge any Man by Suggestions and Innuendo's: Let what will be said to justifie it, it shall never be the Rule of my Judgment.

Groundless Suggestions, *My Lords*, have, within my Memory, been the Pretence of Power, to cover illegal Oppression, with the Shew of Reason to the Publick. I

will

will give your Lordſhips but one Inſtance of it: It was the Caſe of a Reverend Prelate now in the Houſe; I mean, the Archbiſhop of *York*: His Grace was then Dr. *Sharpe* only. It was in the Year Eighty Six; there was an Order, directed by way of Letter to the Proteſtant Biſhops, to diſcharge all the inferior Clergy from preaching upon controverted Points in *Divinity*. They thought it ſerved the *Deſigns* of Popery, then, to direct Miniſters how they ſhould preach; which was in effect, to forbid them to defend their Religion. This Precedent was taken from an Order in Queen *Mary*'s Time, (ſays the printed Account;) when at the ſame time, it was attack'd by the *Romiſh* Prieſts with all the Vigour they were capable of, whilſt the Popiſh Sermons and *Diſcourſes* were printed by Authority. Notwithſtanding this Order, the *Doctor* took Occaſion, in ſome of his Sermons, to vindicate the Church of *England*, in Oppoſition to the Frauds and Corruptions of Popery. But this, by the Court Emiſſaries, was interpreted much the ſame way as *Dr. Sacheverel*'s Sermon is now, by endeavouring to beget in the Minds of his Hearers, an ill Opinion of the King and his Government, by inſinuating Fears and Jealouſies, to diſpoſe them to *Diſcontent*, and to lead them into Schiſm, *Diſobedience* and Rebellion.

My Lords, when the Homilies and Articles, when ſo many Archbiſhops and Biſhops, the Univerſities, and moſt of the Foreign *Divines* too, eſpecially the *Lutherans*, have aſſerted the ſame *Doctrine* of Non-Reſiſtance to the Supreme Power, as *Dr. Sacheverell* has; I think it the hardeſt Caſe in the World, that this unfortunate Gentleman ſhould be thus ſingled out and made a Criminal, and a kind of Martyr, enduring the Trial of cruel Mockings, yea, moreover, of Bonds and Impriſonment, for aſſerting the ſame *Doctrine*. 'Tis true, *Beza*, and *Pareus*, and ſome others of the *Calviniſts*, are of another Opinion; but 'tis known, that *Pareus*'s Commentary on the 13th of *Romans*, was burnt at *Oxford*, by the Order of King *James* the Firſt, for aſſerting the contrary *Doctrine*.

But there is one thing, *My Lords*, ſo aſtoniſhing in this Proſecution, that I cannot but take notice of it: Thoſe, who were at Man's Eſtate at the Revolution, know

how

how industrious, on the one Side, all that were Friends to King *James* were, to put his Leaving the Nation then upon the Foot of Force and Resistance, as thinking this the strongest and best Argument to justify his Withdrawing himself from his People; they rack'd their Brains to find out Arguments to convince Men, that his Life was manifestly in Danger, by staying here; and that it was for the sake of that, and His Liberty, that He was forc'd to withdraw; and that his withdrawing was just, being an Act of Necessity, and not of Choice.

On the other side, those, that were Friends to the Revolution, made it their Business to persuade the World, that all this was but a Colour and Pretence; and that the Fact was quite otherwise; that the Sence and Conviction King *James* had of what he had done prevail'd upon him rather to throw off the Government, than concur with a Free Parliament.

That this was the only Foot they then put it upon; and that it was not then put upon the Foot of Forfeiting the Government by Male-Administration; which if any Man denies, I appeal to the Papers that were then writ, and are now in Print on this Subject.

This being so, it is very strange to see so great an Alteration in Mens Notions of Things; and that now, after our Constitution has maintain'd it self upon this Foot, against all Designs and Attempts that have been made upon it, for above twenty Years, those very Men, and that Party, who endeavour'd to place the Revolution then, upon King *James*'s Voluntary *Desertion*, which they call'd *Abdication*, should now, without any Reason given, be for changing that Foundation, and do all they can, to put it upon King *James*'s Foot of Force and Resistance. What, *My Lords*, are we endeavouring, after twenty Years, to make King *James*'s Title better now than any of his Friends could make it then, and not only finding out Arguments they never thought of, by impeaching any that dare so much as question the Truth and Force of them? This, *My Lords*, seems very strange.

My Lords, I cannot but take Notice to your Lordships, of what was said by that Noble Lord, who spoke last, because, to me it appears to be a Matter of the last Consequence to the Honour of Her present Majesty. He told your Lordships, that the best Title Her Majesty had

had to the Crown was His Parliamentary Title: I must take Liberty to affirm the quite contrary; and that, in my Opinion, the best Title, Her Majesty has, is Her Hereditary Title; tho' I deny not, but that the Act of Parliament is a Strengthening and Confirmation of that Title: But I deny a Parliamentary Title to be the only, or best Title that the Queen has to the Crown she wears. And in saying this, I do not fear the malicious Reflections of having a squinting Regard to the Title of any Person on the other side the Water; for in affirming (as I now do to your Lordships) that Her Majesty is my Rightful and Lawful Queen, by Right of Inheritance, and as she is *Daughter* to King *James* the Second, I do in so many Words affirm also, that there is no other Person the Rightful and Lawful Heir to King *James*, but her self. And if the present Impeachment of *Dr. Sacheverell* shall have this Effect (as I hope it will) to convince the Nation of the undoubted Truth of Her Majesty's Right of Inheritance to the Crown, (a Matter now so industriously oppos'd) the Security this will bring to Her Majesty's Person and Crown, and to the Succession in the Protestant Line, and Illustrious House of *Hanover* afterwards, shall prevail with me easily to pardon any warm and unguarded Expressions, that the Doctor may here or there have dropt, and made use of in any of his *Discourses*.

Tho' the Tongue of an *Angel*, in all Essay, would have made no other Impression than what his *Lordships* did at the Juncture of Time this was spoken in, and the result of these solemn *Debates* was, that the Commons were declar'd to have made good their Impeachment in every Article, and Sentence was past'd on the *Doctor*, *That he should be suspended from the Office of a Preacher for Three Years successive to it, and his Two Sermons burn'd by the Hands of the Common Hang-man*, &c. yet the Sequel of this Tryal, the Change of the Ministry, and the Dissolution of the Parliament, by the repeated Addresses of the People, has manifestly shewn, that tho' his Lordship had not the Fortune to prevail, by the Soundness of his Arguments, he has made his Skill in *Divination* appear from what he has so happily predicted.

FINIS.

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